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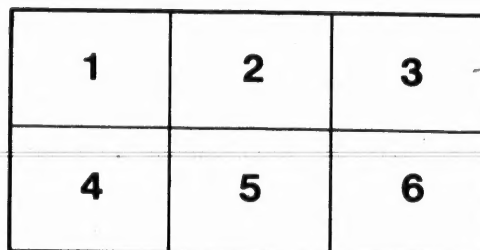
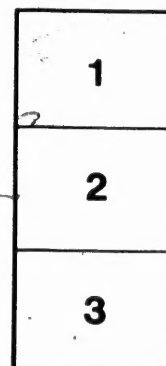
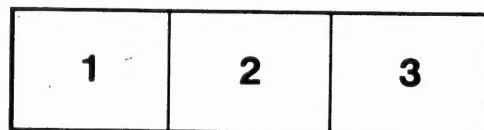
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A RB.

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At the GENERAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun and
holden at *Halifax*, on Monday the
2^d Day of *October*, 1758, and in
the 32^d Year of His Majesty's Reign.

AN ACT

For confirming the Proceedings on the several Resolutions of the Governors and Council of this Province, relating to the Duties of Impost on Rum, and other distilled Liquors; and enabling the late Collector or Receiver to recover the Monies unpaid for any Bonds or Notes remaining in his Hands; And for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other distilled Spirituous Liquors for the future.

~~Whereas~~ *H. E. R. E. A. S.* it has been thought necessary by His Majesty's Governors and Council of this Province, before the Calling a General-Assembly, to lay a Duty of Three Pence a Gallon upon all Rum and other distilled Spirituous Liquors imported into this Province, excepting the Product and Manufactures of Great Britain, or of His Majesty's West India Plantations, imported directly from thence, which Impost Duty enabled them to grant Bounties and Premiums from Time to Time for clearing and fencing of Lands, catching and curing Fish, and other

Labour and Industry: AND WHEREAS it is thought expedient for the Encouragement of Labour and Industry within this Province, that Bounties and Premiums on the Clearing and Fencing of Land, Hemp, Flax, Grain, Roots, &c. and Catching and Curing of Fish, large Sums of Money will necessarily be wanting for Payment of the said Bounties and Premiums; We do hereby grant unto His Excellent MAJESTY, his Heirs and Successors, for the Use of the said Province, several Rates, Duties, and Imposts herein after-mentioned.

Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted and declared, That all the Proceedings heretofore by Virtue of said Resolutions or Acts, or any Part thereof, shall be and are hereby ratified and confirmed.

And be it enacted by the Authority aforesaid, That the respective Bonds perfected by Virtue of the said Acts or Resolutions shall be and are hereby declared to be good and valid, and the Monies due thereon shall be recoverable in any of His Majesty's Courts of Record, pursuant to the Tenor of the said Bonds.

Be it therefore enacted by the Authority aforesaid, That from and after the Publication of this Act, there shall be paid by the Importers of Wines, Beer, Rum, and other distilled Spirituous Liquors, that shall be imported into this Province, from the Place of its Growth, or any other Place (except the Product or Manufacture of Great-Britain) the several Rates and Duties of Impost as follows:

For every Pipe of Wine of the Western-Islands	£ 1 0
For every Pipe of Canary	1 10
For every Pipe of Madeira	2 0
For every Hogshead of other Sorts of Wine not mentioned	0 15
For every Barrel of Beer	0 2
And in Proportion for a greater or lesser Quantity,	
For every Gallon of Rum or other distilled Spirituous Liquors	0 0

Be it therefore enacted by the Authority aforesaid, That all the Rates, Duties, and Imposts before-mentioned, shall be paid in current Money of this Province, by the Importer of any Wines, Beer, Rum, or other distilled Spirituous Liquors, unto the Collector or Receiver for the Time being, for entering and receiving the same, at or before the Landing, provided the Sum do not exceed Forty Shillings, but if the Sum shall exceed Forty Shillings, the Collector or Receiver is hereby authorized, on sufficient Security being given, to give Credit for Payment thereof, within the Term of Three Months.

And be it enacted by the Authority aforesaid, That all Masters of Ships and other Vessels, coming into any Harbour or Port within this Province, having on Board any Wines, Beer, Rum, or other distilled Spirituous Liquors, shall, before breaking Bulk, and within twenty-four Hours after their Arrival, make Report in Writing, and upon Oath, to the Collector or Receiver for the Time being of the Imposts, of the Quantity of Wines, Beer, Rum, and other distilled Spirituous Liquors on Board.

A
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N⁶

An ACT for the better discovering and more effectually suppressing Unlicenced Houses.

WHEREAS divers idle and ill-disposed Persons in this Province, do sell and retail Rum, Brandy, Wine, Cyder, Perry, and other Spirituous and strong Liquors, and keep common Tipling-Houses, thereby harbouring and entertaining Soldiers, Sailors, and Servants, to the weakening and destroying His Majesty's Forces in this Province, and promoting Profaneness and Debaucheries:

Be it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted and declared, That if any Person or Persons whatsoever within this Province, shall sell any Rum, Brandy, Wine, Ale, Beer, Cyder, Perry, or other strong Liquors, mixt or unmixt, by whatever Name or Names they are or may be called or distinguished, without Licence first had and obtained for that Purpose, as heretofore hath been used, or as shall hereafter be directed and appointed by his Excellency the Governor and General Assembly of this Province: or shall hawk, sell, or expose to Sale, any such Liquors unmixt or mixt, by whatever Name or Names they are or may be called or distinguished, about the Streets, Wharves, Highways, Lanes, or Suburbs of the Town of *Hatifax*, or any other Town or Place whatsoever, within this Province, in any Wheelbarrow or Basket, or upon the Water, in any Ship, Boat, or Vessel, or in any other Manner whatsoever; or shall sell or expose the same to Sale on any Bulk or Bulke, Stall or Stalls, Sheds, or on, or in any other Place or Places, he, she, or they shall forfeit for every such Offence the Sum of *Ten Pounds* Currency of this Province, And it shall and may be lawful for any one Justice of the Peace for this Province, on his own View, or on Confession of the Party, or by Proof on the Oath of one credible Witness, to convict any Person or Persons so offending; and the Person or Persons so convicted, shall immediately on such, and every other like Conviction, pay the said Sum of *Ten Pounds* into the Hands of such Justice; and on such Offender or Offenders neglecting or refusing to pay the said Sum, the Justice so convicting, shall by Warrant under his Hand and Seal, commit the Offender or Offenders to His Majesty's Goal within the County where the said offence shall be committed, there to remain in close Confinement for the Space of *Two Months*, from the Day of the said Commitment: And such Person or Persons shall not be discharged until he, she, or they shall have paid the said Sum of *Ten Pounds*, or until the full Expiration of the said *Two Months*. And all Money raised from the Conviction of any Person or Persons as aforesaid, shall be no Interpleader, shall be wholly paid to the Treasurer of this Province, and applied to the Use of His Majesty's Government, but a Part shall be an Interpleader, the Moleys of such Money shall be paid to the said Treasurer, and the other Money to the said Treasurer, and applied to the Use of His Majesty's Government as aforesaid.

*And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Grand-Juror, Provost Marshal of this Province, his Deputy or Deputies, or Constable or Constables, in Company with any one Justice of the Peace to enter into the House or Dependencies thereof, Bulk or Shed of any Person suspected upon reasonable Grounds of retailing Spirituous Liquors without Licence, and to take with them such Assistance as they shall think needful, to make Search for Rum, Brandy, Wine, Ale, Beer, Cyder, Perry, or other strong Liquors, or mixt Drink by whatsoever Name or Names they are or may be called or distinguish'd. And in case of Refusal of Entrance, the Master or other Keeper of such House, so refusing to admit of Entrance, shall forfeit and pay the Sum of Ten Pounds, which, upon Refusal or Neglect to pay, such Justice shall cause the same to be levied by Warrant of Distress under his Hand and Seal, and for Want thereof shall commit such Person or Persons to Goal, there to remain for the Space of two Months; and if, upon being admitted to enter, the Quantity or Quantities of such Liquors found, shall, upon View and Examination of such Justice, be judged by him to be more than for the necessary Use of the Family, or what their Condition may reasonably allow them to expend, or otherwise to have in their Custody, it shall and may be lawful for such Justice immediately to adjudge the same forfeited, and the Constable or Constables attending, shall sell the same, and the Money arising thereby shall be one Moiety to the Use of His Majesty's Government of this Province, and the other for the Use of the Justice and Officers attending: *provided* nevertheless that if any Persons shall themselves aggrieved by such Sentence, they may Appeal from the Judgment of such Justice to the next Court of General Quarter-Sessions.*

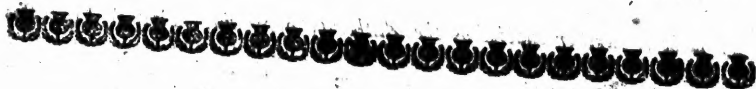
And be it enacted by the Authority aforesaid, That if any Person or Persons within this Province, shall from and after the passing of this Act agree or contract with any Journeyman, Servant, Labourer, or other Person employed by ~~or working under him, her, or them respectively~~ in the Manner following, that is to say, If such Person or Persons shall agree to pay such Journeyman, Workman, Servant, Labourer, or other Person employed by or working under him, her, or them, or under his, her, or their Directions, so much Money for Wages, and such a Quantity of Spirituous Liquors or strong Waters, as together with such Money shall amount to the Value of the Wages as shall be ordinarily and usually for the Work such Journeyman, Workman, Labourer, Servant, or other Person shall be employed in, or shall set off, stop, or deduct all or any of the Wages or Hire due to such Journeyman, Workman, Servant or Labourer, for any Spirituous Liquors or strong Waters delivered to them to any other Person by their Direction or Order, by him, her, or them, or any other Person; such Person or Persons so offending, shall be deemed Retailer of Spirituous Liquors without Licence, within the Meaning of the Act, and shall for every Offence forfeit the Sum of Ten Pounds: And such Journeyman, Workman, Servant, Labourer, or other Person shall be entitled to his or her whole Wages, notwithstanding any such Agreeing, Setting off, Stopping, or Deducting, and shall have the like Remedy by Law for the same, as if all or any part of such Wages were not paid.

(7)
Provided, That nothing in this Act contained shall extend or be construed to extend to prevent or debar any Merchant, Shopkeeper or other Person, not licenced to Retail Rum, or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, from selling any Quantity of such Liquors not less than Three Gallons at one Time.

Provided also, That nothing in this Act contained shall extend or be construed to extend to debar or prevent any Person or Persons from supplying any Fishermen actually employed by such Person or Persons in the Fishery, with a necessary Quantity of Rum or other Liquors during the Time of the Fishing Seasons.

And all Officers, as well His Majesty's Justices of the Peace, Grand Jurors, Provost-Marshal or his Deputy or Deputies, Constables, and all other His Majesty's Lige Subjects within this Province, are hereby authorized to see that this Act be duly observed, and to present and inform of all Breaches of the same, either at the Court of the General Sessions of the Peace, or to some Justice of the Peace, for the immediate apprehending and convicting such Offender or Offenders.

This Act to continue and be in Force for two Years from the publishing thereof, and no longer.



An



An A C T for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.

*enacted,
by His
in Council.* **E** it enacted by the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That His Majesty's **S**upream Court, Court of *A*ppelle, and General Goal-Delivery, shall be held and kept at the usual Times and Places, *that is to say*, on the last Tuesday in the Month of *O*ctober, and on the last Tuesday in the Month of *A*pril, in every Year, in the Town of *H*alifax; and that the Court of *G*eneral Sessions of the Peace shall be held quarterly as usual in every Year, in the said Town, *that is to say*, on every first Tuesday in the Months of *D*ecember, *M*arch, *J*une and *S*eptember; and that the *I*nferior Court of *C*ommon Pleas, shall be held as usual on such first Tuesday in the said Months of *D*ecember, *M*arch, *J*une and *S*eptember.

And be it further enacted, That all Rules and Orders, Proceedings, Pleadings, Sentences, Verdicts and Judgments, in the said Courts respectively, and all Executions awarded thereon, shall be, and are hereby ratified and confirmed.

And be it further enacted by the Authority aforesaid, That all Processes and Writs for the bringing any Suit into the said *I*nferior Court of *C*ommon Pleas, shall issue out of the Clerk's Office of the same Court, in His Majesty's Name, and to be directed to the *P*rovoost-Marshal of this Province or his Deputy; and if such Process or Writ be against the *P*rovoost-Marshal or his Deputy, then to be directed to the *C*oroner of the County, who is hereby empowered to execute the same. And all Writs, as well original as judicial, issuing out of the Clerk's Office as aforesaid, shall run through the said Province, and be executed by the Officer or Officers to whom they shall be directed. And that all Processes and Writs, as well original as judicial, issuing out of the Clerk's Office of the said Court, shall bear Teste of the first Justice named in the Commission for holding the said Court, and upon any Vacancy, by his Death, Removal, or other Impediment, then of the Justice next named in the said Commission for the Time being. And all proper original Process in the said Court, shall be Summons or Attachment, which shall be made returnable Twelve Days before the Sitting of the said Court of *C*ommon-Pleas, according to the Order herein before prescribed, and shall always bear true Teste of the Time of issuing thereof, and shall be served and executed by the proper Officer, as before in this Act is prescribed, fourteen Days before the next Court after the Date of such Writ or Process, (except all Writs served at *A*nnapolis-Royal, *C*hignecto, *L*ennoxburg, or any other distant Part of this Province, which may be returned at any Time during the Sitting of the said *I*nferior Court.) And that the proper

proper Original Summons or Attachment, and the Writ of Execution, in all Civil Actions, and the Writ of *Habeas Corpus*, in all Real Actions between Party and Party, shall be in the Form as heretofore have been used and observed.

And in order to prevent needless and vexatious Arrests and Imprisonments of His Majesty's Subjects, Freeholders and Inhabitants of this Province, for any Sum under Ten Pounds.

Be it enacted by the Authority aforesaid, That no Person or Persons whatsoever who now is, are, or hereafter, may be a Freeholder and Inhabitant, or Freeholders and Inhabitants in this Province, and whose Freehold is free from Incumbrances, shall be arrested, imprisoned, or held to Bail, or his or their Goods, Chattels, or Estate attached, unless the Plaintiff in such Action shall make and subscribe an Affidavit in Writing, before a Judge of the Court or the Clerk of the Court, from whence such Writ shall issue, (who is hereby empowered to administer the same) that the Defendant is justly indebted to the Plaintiff in the Sum of Ten Pounds or upwards, according to the present Rate of Currency in Halifax; which Affidavit shall be filed in the Office of the said Clerk, in the Form following, viz.

*'In the Court of Common-Pleas, in the
"Majesty's Reign."*

Year of His

“ A. B. - - - - - Plaintiff,
“ C. D. - - - - - against
- - - - - Defendant,

" A. B. the Plaintiff in the above Cause maketh Oath, That C. D. the
 " Defendant in the said Cause, is justly indebted to him the Deponent in
 " the Sum of - - - (mentioning in Words at Length how the Debt
 " or Demand arises) and that he this Deponent hath not received any Part
 " thereof.

A. B.

A. B.

" Sworn at Halifax, in the
 " Province of Nova-Scotia,
 " This Day of 17
 " before me,

And if such Action shall be brought by any Agent, Factor, or Attorney, in the Name of his Principal, if absent, upon producing an Affidavit of such Debt, of his Principal, duly authenticated according to the Laws of *England*, or the Usage and Practice of the Plantations in such Cases, or if such Principal be in any Part of the Province, remote from the Courts, upon producing an Affidavit taken as aforesaid, before a Justice of the Peace, and upon the said Affidavits being respectively filed as aforesaid, then the said Judge, or Clerk of the said Court, shall direct Bail to be taken in the following Words, *viz.*

Take Bail for _____ (expressing the Sum in Words at Length)
upon Affidavit of the Plaintiff filed according to the Law of this Province.
For which Sum, and no more, Bail shall be taken, or the Defendant's
Goods, Chattels, or Estates shall be attached.

Provided, That nothing in this Act contained, shall extend, or be construed to extend, to give any Power or Authority to the Clerk of the said *Inferior Court* to Administer any Affidavit or Oath to any Plaintiff or Plaintiffs, where the Cause of Action founds in Damages only, but in such Cases such Oath or Affidavit shall be taken before two Judges of the Court, who shall mark the Writ for Bail accordingly.

Provided nevertheless, That all Goods, Chattels or Estates taken by Attachment, shall remain under such Attachments, for the Space of *Thirty* Days after final Judgment, and no longer.

Provided, That no Action under the Value of *Three Pounds*, shall be brought into the said Court of *Common-Pleas*, unless where Freehold is concerned, or upon Appeal from the Judgment of the two Justices of the Peace, as heretofore used.

And be it further enacted by the Authority aforesaid, That the Provost-Marshal of this Province for the Time being, his Deputy, or other Person by this Act qualified to execute Process or Writs, shall duly make Return thereof, with all his Doings thereon, *Twelve* Days before the Sitting of the Court to which such Process or Writ is returnable: And the Plaintiff's Attorney shall in all Cases, within *Three* Days after such Return, file with the Clerk of the said Court, a Declaration clearly setting forth the Cause of Action against the Defendant or Defendants, and shall, at the same Time, annex to or file with such Declaration, a Copy of the Bond and Condition thereof, Bill, Note, Contract, Agreement, Lease, Account, or other Writing, on which such Action is grounded; and in Case of Failure thereof, the Plaintiff shall be Nonsuit, and pay Costs, to be taken at the next Court. And the Defendant or Defendants in any Suit, shall enter his Appearance by his Attorney in *Three* Days (the intervening Sunday to be excepted) after the Return of each Writ, with the Clerk of the said Court, in a Book to be kept by him for that Purpose, and take Copies, at his or their own Costs, of the Declaration, or Account, or other Papers thereto annexed, in order to make Defence; and for want of such Appearance entered within the Time aforesaid, the Clerk of the said Court is hereby empowered to enter the Default, by indorsing the same with his own Hand and Name thereto subscribed, on the Declaration, and the Defendant or his Attorney, shall, before *Twelve* of the Clock at Noon of the Thursday following, after Appearance entered as aforesaid, file with the Clerk of the said Court, the Defendant's Plea, either in Abatement to the Writ, or in Bar of the Action, or Demurrer to the Writ and Action, or the General Issue, as he may be advised, and for want thereof, the Clerk of the said Court is hereby empowered to enter the Default against any Defendant or Defendants, by endorsing the same on the Declaration, expressing the Time when, and whether for want of Appearance or Plea. And if the Defendant shall have entered his Appearance, and pleaded in any of the Ways, and within the Times before-mentioned, the Plaintiff's Attorney shall, on the Saturday next after the filing the Defendant's Plea or Demurrer as aforesaid, file with the Clerk of the said Court the Plaintiff's Replication in Writing to such Plea or Joinder in Demurrer; if any Demurrer there be, at which Time each respective Cause shall be understood and deemed to be at Issue, and no further or other Pleadings, under Pretence of bringing the same to Issue, shall be allowed of.

Provided,

Provided, That where any Judgment shall be entered by Default, for any of the Causes aforesaid, the Defendant or his Attorney may, upon Affidavit being filed the first Day of the Court, setting forth the Occasion or Means which prevented an Appearance being entered, or Plea filed in due Manner as before is prescribed, and disclosing the whole Matter to the Court, and that he vells the Merits of the Cause upon Trial only, and Motion thereupon made, the said Court is hereby impowered, from the Merits and Circumstances of the Case, upon the Defendant or his Attorney agreeing to pay the Plaintiff his Coits to be then taxed, order such Default to be struck off, after which, or after an imparlance in any Case, no special Pleading shall be allowed of, but the Cause shall, without further Delay, proceed to Issue for Trial, either at such Court or at any other Court as shall be ordered.

Provided also, That no Matter of Fact shall be allowed to be pleaded in Abatement; without an Affidavit of the Truth of the Plea being thereunder made, and that no dilatory Plea be allowed to be filed, unless it be signed by some Attorney of the said *Inferior Court*.

And Whereas several Doubts and Difficulties have heretofore arisen, to the great Impediment of the Proceedings of the Inferior Court of Common Pleas, touching the Constructions of Bail in civil Actions; for preventing whereof for the future,

Be it enacted by the Authority aforesaid, That when any Person or Persons shall be arrested, by Virtue of any Writ issuing out of the said *Inferior Court*, the Provost-Marshal or his Deputy, or other Person by this Act qualified to serve Writs, shall be obliged, and are hereby respectively required, upon sufficient Bail being offered, to let such Defendant or Defendants go at large, upon his or her, or their first executing a Bond with two sufficient Sureties, to the said Provost-Marshal, with Condition thereunder written for the personal Appearance only of the Defendant on the first Day of the Court to which such Writ is returnable, and according to the Tenor thereof; and if such Defendant shall not appear accordingly, or if sufficient Bail to abide the final Event of the Suit shall not then be offered in Behalf of the Defendant, Judgment shall thereupon be entered against the Defendant by Default, and the Provost-Marshal shall immediately, upon Request of the Plaintiff or his Attorney, in Court assign the Bail Bond, by indorsing his Name thereon, for the Benefit of the Plaintiff, to be put in Suit, or otherwise recover the Penalty thereof; which Assignment shall not debar the Plaintiff from proceeding to final Judgment and Execution the same Court, against the Defendant or Defendants in the said Action. And whenever it shall happen that the Defendant or Defendants shall appear according to the Tenor of the Condition of such Bail Bond, and offer Bail to the Satisfaction of the Plaintiff, and Approbation of the Court, or if the Defendant from some Impediment, shall not happen to appear, but nevertheless two sufficient Persons, to be approved of by the Plaintiff and the Court, shall offer to become Bail; in either of the said Cases, a Recognizance with Condition thereunder written, in the following Form, *Mutatis Mutandis*, shall be entered into by the Defendant (if present) and his Bail.

Province of }
NOVA-SCOTIA, } ff " Inferior Court of Common-Pleas,

" - - - - - 17

" A. B. - - - - - Plaintiff,

" C. D. - - - - - Defendant.

" Bail E. F. of in the Province aforesaid, (Addition) and G. H. of (Addition) the Party Defendant
" (if present) in Pounds, each of the Bail in Pounds
" apiece.

" The Condition of which Recognizance is, That the Defendant (if present) do acknowledge to owe unto the Plaintiff Pounds, and each of the Bail do severally acknowledge to owe unto the Plaintiff Pounds apiece, to be levied upon their several Goods and Chattels, Lands and Tenements, upon Condition that if the Defendant be condemned in the said Action, either in this Court, or in His Majesty's Supreme Court of Judicature of this Province, upon Appeal thereof, he shall pay the Condemnation Money, or render himself a Prisoner in the Goal of Halifax for the same, and if he fails, the said E. F. and G. H. undertake to do it, for him."

Upon acknowledging which Recognizance, the Defendant shall be admitted to plead to the Action by his Attorney, and Issue, either in Law or in Fact, shall be joined in one Day after acknowledging the Recognizance; and if upon the Trial of any such Issue, in any Case whatsoever, either of the Parties shall think himself aggrieved at the Sentence of the Court, they may, by Virtue of this Act, appeal to the next Supreme Court of Judicature, and the said Inferior Court is hereby impowered to allow of the same, agreeable to the Ways heretofore used, in case of Appeal. But if, upon Trial of any Issue at Law upon Appeal, the Supreme Court, notwithstanding the Plea in Bar or Abatement, shall adjudge the Writ to be good and well brought, the said Supreme Court shall reverse the Judgment of the Inferior Court, and award to the Appellant the Sum of Five Pounds Costs, for his delay of Justice, over and above all other usual and needful Costs to be taxed by the said Court, to be immediately paid by the original Defendant or Appellee, or his Attorney who signed the Plea; and the next Inferior Court of Common Pleas, shall proceed to the Trial of the Merits of the Cause, upon the same Writ, without any further Delay, a new Entry thereof being made.

And be it further enacted by the Authority aforesaid, That whenever any Person shall be committed to Prison, by Virtue of any Original Writ issuing out of the said Inferior Court as aforesaid, the Provost-Marshal or his Deputy, or other Person by this Act qualified to execute Writs, shall, at the same Time, serve such Prisoner or Prisoners, with a true Copy of such Writ or Writs, together with the Indorsement thereon. And the Plaintiff's Attorney on the Day after the filing the Declaration with the Account or Instrument in Writing on which the Action is grounded, as in this Act prescribed, shall give Notice in Writing to such Defendant or Defendants, that a Declaration is filed against them in the Clerk's Office.

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Clerk's Office, setting forth the Substance thereof, and that unless he employs an Attorney of that Court, to plead thereto before the first Day of the then next ensuing Court, Judgment will be entered against him by Default; the Service of which Notice shall be deemed sufficient, by leaving the same with the Keeper of the Prison, his Deputy, Wife, or Servant, where such Defendant is imprisoned; and upon Failure of delivering such Notice by the Keeper to such Prisoner, the said Keeper shall forfeit and pay all such Damages as the Defendant may have sustained by such Neglect. And upon the first Day of the Court the Plaintiff's Attorney, (if no Appearance be in the mean Time entered) upon producing a Copy of such Notice, and Affidavit of the due Service thereof as aforesaid, Judgment shall be entered by Default, against such Defendant or Defendants in Prison. And in all Causes whatsoever, (except Actions of Debt, or Actions grounded on Specialties) now depending, or hereafter to be brought in the said *Inferior Court*, wherein the Defendant or Defendants have or shall suffer Judgment therein to pass against him, her, or them, by Default, the said *Inferior Court* is hereby impowered and required, in lieu of a Writ of Enquiry of Damages, to order a Jury to be sworn to assess the Damages at the Bar, for which the Jury shall be paid such Fees as heretofore have been usual on Trials of Issues.

And be it further enacted by the Authority aforesaid, That all Writs of Summons hereafter to be issued, shall be indorsed by the Attorney who sues out the same; and the Defendant or Defendants therein named, shall respectively be served with a true Copy thereof, before the Return of such Writ.

And be it enacted by the Authority aforesaid, That all Debts under the Value of Three Pounds, shall be sued for and recovered before any two of His Majesty's Justices of the Peace. And all Debts under the Value of Twenty Shillings, shall be sued for and recovered before one Justice, as heretofore hath been practiced and used, Subject nevertheless to an Appeal, as heretofore hath been used. And all Proceedings and Judgments heretofore had and made, before any two Justices, or one Justice, are hereby ratified and confirmed.

This ACT to continue and be in Force for the Space of Two Years.

D

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An ACT for confirming Titles to Lands, and quieting Possessions.

B *E it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted,* That all Persons claiming or deriving any Right or Title to any Lands or Tenements, by Virtue of any Grants or Deeds, entered in the publick Registry of this Province, or by Virtue of any Last Will or Testament, shall have, hold, and enjoy such Lands and Tenements, according to the Tenor and Effect of such Grants or Deeds registered, and of such Last Will and Testament, whether the Estate be in his or their own Right, or in Right of, or in Trust for another; and that all Possessions by Virtue thereof shall be, and are hereby confirmed, any want of legal Form in such Grants, Deeds or Wills, notwithstanding.

Provided, That no Papist hereafter shall have any Right or Title to hold, possess, or enjoy, any Lands or Tenements, other than by Virtue of any Grant or Grants from the Crown, but that all Deeds or Wills, hereafter made, conveying ~~any~~ any Papist, or in Trust for any Papist, shall be utterly null and void: And such Lands or Tenements shall not revert to the Persons granting the same to any Papist, or in Trust for any Papist, but such Lands or Tenements shall, upon Conviction of such Papist, be vested in His Majesty, His Heirs and Successors forever.

And it is hereby enacted, That before the Registry of any Grant or Deed of any Lands or Tenements, other than by Virtue of any Grant or Grants from the Crown, the Person or Persons to whom, or for whose Use such Grant or Deeds are made, shall take the Oaths appointed to be taken instead of the Oaths of Supremacy and Allegiance, and make and subscribe the Declaration before the Register of the Province or his Deputy, who are hereby impowered to administer the same: And if any Person shall refuse to take the said Oaths, and subscribe the said Declaration, the Grants or Deeds made to such Persons, shall be null and void to all Intents and Purposes whatsoever.

And it is hereby further enacted, That all Deeds of Sale of any Lands or Tenements, made by the Provost-Marshal, under Writs of Execution to him issued, for the Satisfaction of any Judgments, shall be and are hereby confirmed.

Provided nevertheless, That it shall and may be lawful for any Person or Persons, whose Lands have been taken in Execution, and sold as aforesaid,

aid, his, her, or their Heirs, within Twelve Months from the Second Day of *October*, 1758, to sue for and recover, by Action in nature of an Action of Account, from the Person or Persons to whom the Persons intitled to such *Lands* or *Tenements* were indebted, and for Satisfaction of whose Debts the said *Lands* or *Tenements* have been sold as aforesaid, upon Payment in manner hereinafter directed, of the principal Money due, with Interest for the same, at the Rate of *Six* Pounds in the Hundred for each Year, and all Costs and Damages awarded or sustained by the said Judgment, and also for all Improvements of the said *Lands* or *Tenements*, and the Provost-Marshall's Proceedings thereon, with like Interest for the principal Money expended in such Improvements, upon a just Account to be taken of the same on any Trial for the Recovery of said *Lands* or *Tenements*, wherein a View, if required, shall be directed. And if upon such Trial, it shall appear in Evidence, that such Person or Persons to whom the *Lands* have been sold and conveyed as aforesaid, have committed wilful Waste thereon, or have received Rents or Profits from the said *Lands* or *Tenements*, the said Rents and Profits, and the Value of such Waste, shall be allowed in Account to the Person so suing for the Recovery of the said *Lands* or *Tenements*, and upon Payment of said principal Money and Interest, and of all Damages and Costs, for and on Account of such Debts and Improvements, or upon taking such Account of Rents and Profits, or the Value of such Waste, and Payment of the Ballance due thereon, before any Writ of Execution shall issue upon any Judgment upon such Trial, to the Clerk of the Court where such Trial shall be had; that then and in such Case it shall and may be lawful to award such Writ of Execution for delivering Possession of such *Lands* or *Tenements* to the Persons so suing for the same: *Provided*, That if upon such Trial it shall appear that the Rents and Profits received, or the Value of such Waste committed, or both of them do exceed the Value of the Debt, Interest, Costs, and Damages, and the Value of the Improvements, that Execution shall issue for recovering the said Sum so received in Rents and Profits, or the Value of such Waste committed, beyond the Value of such Debt, Interest, Costs, and Damages, together with the Possession of the *Lands* and *Tenements* so taken in Execution as aforesaid.

Provided nevertheless, That any Debtor or Debtors, or his or her Heirs, upon Payment or Tender of Payment, within Twelve Months after said Second Day of *October*, 1758, of the Consideration-Money really and bona fide paid by the last Purchaser or Purchasers under the Provost-Marshall's Deeds, of any *Lands* or *Houses*, with all Charges for necessary Repairs, or Alterations, shall and may be entitled to recover such *Lands* and *Houses*, so taken in Execution and sold by the Provost-Marshall as aforesaid.

Provided also, That it shall and may be lawful nevertheless, to and for any Debtor or Debtors, or his or her Heirs to have and prosecute an Action of Account, against his or her Creditor or Creditors notwithstanding.

Provided also, That all subsequent Deeds and Conveyances, made and executed by any subsequent Purchaser or Purchasers under the Provost-Marshall's Deeds, since the said Second Day of *October*, 1758, within the Space of One Year only, for any greater Sum than is expressed in such Purchaser or Purchaser's Deed of Assignment, shall and are hereby declared to be null and void to all Intents and Purposes whatsoever.

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Provided also, That no Sale shall hereafter be made of any Lands or Tenements, by the Provost-Marshal, by Virtue of any Writ of Execution

Provided also, That neither this Act, nor any Thing herein contained shall extend, or be construed to extend, to bar the Title of any Female, or Person non compos mentis, imprisoned, or in Captivity; who shall be intitled to sue for and recover any such Lands or Tenements to which they are intitled, within One Year after such Impediment shall be removed. †

And be it further enacted by the Authority aforesaid, That a Resolution or Act of the Governor and Council, dated the Third of February, 1752, concerning the Registry of Lands in this Province, and that all Registers, and all Proceedings thereon, shall be, and the same are hereby ratified and confirmed.

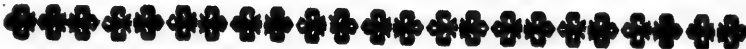
Provided, That the Register of Deeds and Conveyances in this Province shall, for the future, in lieu of any Memorial, register all Deeds and Conveyances in Words at full Length; for which he shall demand and receive such Fees for registering, as in like Manner hath heretofore been allowed: And that upon Proof of one credible subscribing Witness, to the due Execution of such Deed or Conveyance, the same shall accordingly be registered, without any other Ceremony, or Form heretofore used; any former Use, or Custom to the contrary in any wise notwithstanding.

And be it further enacted by the Authority aforesaid, That if any Original Deed shall be lost, and Proof thereof in Court being made, that then the Registry or Record of such Deed or Deeds, shall be allowed to be good Evidence in any Court of Law or Equity within this Province.

*additions to this
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The Resolution or Act referred to and confirmed in the foregoing Act, is as follows.

I. *N Council the 3d. February 1752, Resolved, That a Memorial of all Deeds, Conveyances, and Mortgages, which from and after the First Day of March next ensuing, shall be made and executed, of, or concerning, or whereby any Honours, Manors, Lands, Tenements, or Hereditaments, in the Province of Nova-Scotia, may be any ways affected in Law or Equity, shall be registred in such manner as is herein after directed, and that every such Deed and Conveyance that shall, at any Time, after the said First Day of March, in the Year of our Lord One Thousand, Seven Hundred and Fifty Two, be made and executed, shall be adjudged fraudulent and void, against any subsequent Purchaser for valuable Consideration, unless such Memorial thereof shall have been registred as by this Act is directed, before the registering the Memorial of the Deed or Conveyance, under which such subsequent Purchaser or Mortgagee shall claim.*

That a Memorial of all Deeds, Conveyances and Mortgages, which shall have, before the First Day, of March aforesaid, in the Year of our Lord One Thousand Seven Hundred and Fifty Two, been, at any Time, made and executed, of or concerning, or whereby any Honours, Manors, Lands, Tenements, or Hereditaments, within the Province of Nova-Scotia, may be any ways affected in Law or Equity, shall be registred in such manner, as is herein after directed, and all such Deeds, Conveyances, and Mortgages, which shall be omitted to be so registred, shall be null and void against any subsequent Purchaser for valuable Consideration.

That all such Deeds, Conveyances, and Mortgages, which shall have been made and executed before the said First Day of March, in the Year of our Lord One Thousand, Seven Hundred, and Fifty Two, (and which have not been already registred in the publick Registry of the Province) of,

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concerning, or which do any ways affect any *Honours, Manors, Lands, Tenements, or Hereditaments*, within the County of *Halifax*, within the said Province, shall be registred in manner as is herein after mentioned, on or before the *Thirtieth Day of April next*: And that all such *Deeds, Conveyances, and Mortgages*, of, concerning, or which do, any ways, affect any *Honours, Manors, Lands, Tenements, or Hereditaments*, within any other Part of the said Province of *New-Scotia*, shall be registred in manner as herein after expressed, on or before the *Thirtieth Day of September next* ensuing.

Provided always, That in Case any Person or Persons, possessed of any such *Deed, Conveyance, or Mortgage*, made and executed before the aforesaid *First Day of March next*, shall not be within the said Province, before the Expiration of the respective Terms before-mentioned, such further reasonable Time shall be allowed for the Registring thereof, as the Governor and Council of the said Province shall think fit.

That the Memorials of the *Deeds, Conveyances, and Mortgages*, before-mentioned, shall be registred in the Office of the *public Register* of the Province at *Halifax*.

That all Memorials so to be entered and registred, shall be put into writing, and brought to the said Office, under the Hand and Seal of some or One of the *Grantors*, or of some or One of the *Grantees*, his or their *Heirs, Executors, or Administrators, Guardians, or Trustees*, attested by two Witnesses, One whereof to be One of the Witnesses to the Execution of such *Deed, Conveyance, or Mortgage*, which Witness shall, upon Oath before the Register for the said Province for the Time being, or his Deputy, prove the Signing and Sealing of such Memorial, and the Execution of the *Deed, Conveyance, or Mortgage*, mentioned in such Memorials, (which Oath the said Register for the Time being, or his Deputy, are hereby impowered to administer) and the said Register, or his Deputy, shall indorse a Certificate thereof, on every such Memorial, and sign the same.

Provided nevertheless, That if it shall so happen that both or all the Witnesses to any *Deed, Conveyance, or Mortgage*, by this Act required to be registred, shall be dead, or gone out of the Province, before the Expiration of the Time hereby directed for the Registring such *Deeds, Conveyances, and Mortgages*, then the said Memorial to be registred, shall be executed by some or one of the *Grantors or Grantees* named in the Original *Deed, Conveyance or Mortgage*, his or their *Heirs, Executors or Administrators*, in the Presence of *Two* other credible Witnesses, One of which Witnesses to such Memorial shall, on his Oath, before the said Register or his Deputy prove the Signing such Memorial by some or one of such *Grantors or Grantees*, his or their *Heirs, Executors or Administrators*, (which Oath the said Register or his Deputy are hereby impowered to administer,) and the said Register or his Deputy shall indorse a Certificate thereof, on such Memorial and sign the same.

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That every Memorial of any Deed, Conveyance, or Mortgage, shall contain the Day of the Month, and the Year when such Deed, Conveyance, or Mortgage, bears Date; the Names and Additions of all the Parties to such Deed, Conveyance, or Mortgage, and the Places of their Abode; and shall express or mention the Honours, Manors, Lands, Tenements, or Hereditaments, contained in such Deed, Conveyance, or Mortgage, and the Names of the Parishes, Townships, Hamlets, Precincts, or extra Parochial Places, within the said County, where any such Honours, Mannors, Lands, Tenements or Hereditaments, are lying or being, that are given, granted, or conveyed, or any way affected or charged by any such Deed, Conveyance, or Mortgage, in such manner as the same are expressed or mentioned in said Deed, Conveyance, or Mortgage, or to the same Effect.

And every such Deed, Conveyance, or Mortgage, of which the Memorial is to be so registred, shall be produced to the said Register or his Deputy, at the Time of entering such Memorial, who shall indorse a Certificate on every such Deed, Conveyance, or Mortgage, and therein mention the certain Day, Hour and Time, on which such Memorial is so entered, which Certificate, so indorsed, shall also be signed by the said Register or his Deputy.

Which Certificates shall be taken and allowed as Evidence of such respective Registries in all Courts of Record in the said Province, and every Page of such Registry Books, and every Memorial that shall be entered therein, shall be numbered, and the Day of the Month, and the Year, and Hour or Time of the Day, when every such Memorial is registred, shall be entered in the Margin of the said Registry Books, and in the Margins of the said Memorials. And the Register or his Deputy shall keep an Alphabetical Calendar of all Parishes, extra Parochial Places and Townships, within the said County, with Reference to the Number of every Memorial that concerns the Honours, Manors, &c. in every such Parish, extra Parochial Place, or Township respectively, and of the Names of the Parties mentioned in such Memorial. And the Register or his Deputy shall duly file every such Memorial in order of Time, as the same shall be brought to the said Office, and enter or register the said Memorials in the same order as they respectively come to his Hands.

That the Register for the Time being, or his Deputy, shall be allowed, for the Entry of every such Memorial, as is by this act directed to be registred, the Sum of One Shilling, and no more, in Case the same do not exceed Two Hundred Words; and if more, then after the Rate of Sixpence an Hundred for all the Words contained in such Memorial, over and above the first two Hundred Words: And the like Fees for the like Number of Words contained in every Certificate or Copy given out of the said Office, and no more; and for every Search in the said Office, one Shilling and no more.

That if any Person or Persons shall, at any Time, forge or counterfeit

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any Entry of the Acknowledgment of any such Memorial, Certificate or Indorsement, as is herein mentioned or directed to be made, and be thereof lawfully convicted, such Person or Persons shall incur and be liable to such Pains and Penalties, as in and by an Act of Parliament made in the Fifth Year of Queen Elizabeth, (intituled *An Act against Forgers of false Deeds and Writings*) are imposed upon Persons for forging and publishing of all false Deeds, Charters or Writings (scilicet, Court Rolls, or Wills, unto any Lands, Tenements or Hereditaments, shall or may be molested, troubled or charged. And that if any Person or Persons shall, at any Time, forswear him or themselves, before the said Register for the Time being, or his Deputy, in any of the Cases herein mentioned, and be thereof lawfully convicted, such Person, and Persons shall incur, and be liable to the same Penalties, as if the same Oath had been made in any Court of Record within this Province.

That in Case of Mortgages whereof Memorials shall be entered in the Register's Office as before mentioned pursuant to this Act, if at any Time afterwards, a Certificate shall be brought to the said Register or his Deputy, signed by the Mortgagee or Mortgagees, his, her, or their Executors, Administrators or Assigns, and attested by Two Witnesses, whereby it shall appear that all Monies, due upon such Mortgage, have been paid or satisfied in discharge thereof, which Witnesses shall, upon their Oaths before the said Register or his Deputy, (who are hereby respectively empowered to administer such Oath) prove such Monies to be satisfied or paid accordingly, and that they saw such Certificate signed by the said Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, that then and in such Case, the said Register or his Deputy shall make an Entry in the Margin of the said Registry Books, against the Registry of the Memorial of such Mortgagee, that such Mortgage is satisfied and discharged, according to such Certificate to which the same Entry shall refer, and shall afterwards file such Certificate, to remain upon Record in the said Office.

That this Act shall be taken and allowed in all Courts within this Province, as a publick Act, and all Judges, Justices, and other Persons therein concerned, are hereby required to take such Notice thereof, without special pleading of the same.

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An ACT for the Reviving and putting in full Force
several of the Resolutions or Acts of His Majesty's
Governors and Council of this Province hereto-
fore made.

B E it enacted by his Excellency the Governor, Council, and
Assembly, and by the Authority of the same, it is hereby
enacted and declared that the several Resolutions or Acts
hereafter Mentioned, and all and singular the Clauses, Ar-
ticles, Directions, Powers, Penalties, Forfeitures, Refe-
rences, Matters and Things, with the Provisional Clauses
and Additions herein inserted, Be and are hereby Revived,
Enacted, and put in full Force for the Term of Two Years from the Second
day of October One Thousand, Seven hundred and fifty Eight, and untill
the End of the Sessions of the General Assembly then next after (unless
sooner altered or Repealed) That is to Say,

Cap. 8.
Temp.

1. *A Resolution or Act*, intituled, an Act that Foreign Debts should not be
pleadable in this Province unless for Goods imported into the Province:
Made the Second of February, 1749, in the Twenty Third Year of His
present Majesty's Reign, and Amended and Continued by a Resolution
or Act made the Fourteenth of January, 1751.

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2. *A Resolution or Act*, intituled An Act that any person or persons Stealing
Cord Wood, Timber or Materials for Building, from the Wharves in Town
or the Beach, shall be compelled to restore Fourfold, made the Fourteenth
of January 1750, and amended and explained by a Resolution or Act,
made the Twenty ninth of April 1751, and in the Twenty fifth Year of
His present Majesty's Reign.

3. *A Resolution or Act*, intituled An Act that all the Flour imported into
the Province should be sold by Weight, made the Sixth of March 1752,
and in the Twenty fifth Year of His present Majesty's Reign.

A Resolution or Act, intituled An Act for the preventing and Extirpating
the, made the Twenty ninth of September 1752, and in the Twenty
sixth Year of His present Majesty's Reign.

A Resolution or Act, intituled An Act for the ascertaining Damages upon
 protested Bills of Exchange, made the First of December 1752, and in the
twenty sixth Year of His present Majesty's Reign.

6. *A Resolution or Act*, intituled An Act for the Relief of Debtors with regard to the Imprisonment of their Persons, made the Sixth of December 1752, and in the Twenty sixth Year of His Majesty's Reign.

7. *A Resolution or Act*, intituled An Act that the Proprietors of Lotts of Land should Fence in their Proportion or *Quota* of said Lands, or be subject to an Action on the Case on the failure of the same, made the Twenty second of December 1752, and in the Twenty sixth Year of His Majesty's Reign.

8. *A Resolution or Act*, intituled An Act to prevent the destroying or Stealing Fences within the *Peninsula* of *Halifax*, *Town* of *Dartmouth*, and other Lotts situate in and upon the Harbour of *Halifax* and *Bedford Bay*, made the Twenty sixth of March 1753, and in the Twenty sixth Year of His Majesty's Reign, With this Addition that the above Act extend through the whole Province.

9. *A Resolution or Act*, intituled An Act to prohibit the taking away or destroying the *Buoys* laid down in this Harbour for the benefit of *Navigation*, made the Twenty third of April 1753, and in the Twenty seventh Year of His Majesty's Reign, with this Addition to said Act, That the Penalty forfeited for Transgressing the same, be One half to the Informer, the other to the uses of the Government.

10. *A Resolution or Act*, intituled An Act to prevent the Exportation of unmerchantable Fish, Lumber &c. and to regulate the Assize of Casks, and for appointing Gaugers, Surveyors, and Cullers, made the Twenty fourth of October 1754, and in the Twenty eighth Year of His Majesty's Reign.

11. *A Resolution or Act*, intituled An Act to prevent the Cutting and Splitting of Hydes, made the Fourteenth of April 1755, and in Twenty eighth Year of His Majesty's Reign, with this *Proviso*, That so much of the Preamble of said Act as relates to the Exportation of Raw Hydes, be excluded.

12. *A Resolution or Act*, intituled An Act to prevent Frauds and Abuses in the sale of Casks of Pork and Beef, made the Fourteenth of April 1755, and in the Twenty eighth Year of His Majesty's Reign.

The several Resolutions or Acts referred to in the foregoing Act, are as follow, viz.

1. *In Council the Second of February, 1749, 50. RESOLVED, That from this Day to the Second of February 1750, 1. No Debts contracted in England or in any of the Colonies, prior to the Establishment of this Settlement, or to the Debtors Arrival here as a Settler, shall be pleadable in any Court of Judicature in this Province, Except for Goods imported or Ordered to be imported into the Province. In Council the Fourteenth of January 1750, 51. RESOLVED, That the aforesaid Regulation made by Authority of the Governor and Council of this Province, on the Second day of February last, be renewed and continued, and construed to extend to any valuable Consideration (necessary Wearing Apparel of the Person and his Family excepted) imported or ordered to be imported: And that, for the Encouragement of any such Person's Wife and Children, who by their Industry, and Frugality, may be assisting in acquiring any Substance within this Province, in which case it seems reasonable that they should not be utterly deprived of the benefit thereof, and left Destitute upon the Man's Decease: When any such Person shall, at their Decease, leave a Lawful Wife, or Legitimate Children, they shall be intitled to the same Benefit, as to any Estate, Goods, or Chattles of the Deceased, as the Deceased himself had and enjoyed during his Life time by Virtue of this Regulation, and that in such proportion as shall be by him Ordered in his Last Will and Testament, or if intestate, as the Law directs in Cases of Intestate Estates; but if, at his Decease, he shall not leave a Lawful Wife, or any Legitimate Child or Children, then his Estate and Effects, (after payment of all Debts contracted within this Province) shall be liable to payment of such Debts, and the Remainder, if any shall be, to his Heir or Heirs at Law.*

And in order to prevent evil minded Persons from secretly Conveying their Creditors Effects into this Province, in order to defraud them of their Just Dues, so far as it may be in their power to pay the same; No Person coming into this Province, from this Time forward, shall be intitled to the Benefit of this Regulation, unless he or she shall, upon being sued for such Debt or Debts, make solemn Oath before some Magistrate, that they have not directly, or indirectly, taken any measures whereby to deprive or debar any of their Creditors, from receiving out of their Estate or Effects in any Place whatsoever, the Debts to them due, or such part thereof as the same is sufficient to pay; and if the contrary shall, at any time afterwards be proved against them, they shall be deprived of the Benefit hereof, and be liable to the utmost Rigour of the Law.

2. *In Council the Fourteenth of January 1750, 1. RESOLVED, That for fraudulently taking any Materials for Building, or Fire Wood, or other Effects, the Property of another Person, from any part of the Beach, or Streets, or Wharves, of this Town and Suburbs, or from any Lott of Land granted to any Person in any Place about this Harbour, provided the same be inclosed, or if uninclosed, after Warning given the Proprietor: The Offender, upon Conviction, shall pay Fourfold, or in Case of Ruinal or inability to pay the same, shall be Publickly whipt a number of Stripes not exceeding*

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exceeding Forty, as shall be Ordered by the Sessions of the Peace, or Court where the Offender shall be Convicted. And for the better preventing fraudulent Practices of this kind, all such Effects, taken up by Persons who are not the lawful Owners thereof, shall be by the Finder forthwith publickly Advertised, by the Common Cryer, and by Posting up Notifications in the most public Places of the Town, and in Case any Owner shall appear, and Prove his Claim thereunto, before any Justice of the Peace, within Twenty Days after, he shall have the same restored, paying reasonable Salvage to the Finder.

In Council the Twentyninth of April, 1751. RESOLVED, That (Whereas a Doubt has arisen whether by the late Order of the Governor and Council of the Fourteenth January last, Persons Convicted of fraudulently taking Effects, the Property of another, from any part of the Beach, or Streets or Wharves of this Town, or from any Lot of Land granted to any Person about this Harbour &c. should upon their Conviction, be liable to pay the Charges of the Prosecution) such Offender shall, upon Conviction, pay Fourfold the Value of the Effects so taken, and pay the Charges of Prosecution, and further shall be publickly whipt for said Offence, at the Discretion of the Court before whom they shall be convicted; and in Case of their Refusal to make said payment, they shall be imprisoned till the Money shall be paid.

3. In Council the Sixth of March, 1752. RESOLVED, That from and after the Publication hereof, no Person or Persons within this Province, shall presume to Sell, or offer to Sale, any Flour otherwise than by Weight, upon Penalty of Three Pounds for each Barrel of Flour so sold, or offered to be sold, (and in the same proportion for any other Quantity) The said Three Pounds to be for the use and benefit of the Informer, upon Conviction, by the Oath of the said Informer, before any one of His Majesty's Justices of the Peace, to be levied by Distress on the Offenders Goods and Chattels.

4. In Council the Twenty ninth of September, 1752. RESOLVED, That when any Fire shall break out in the Town of Halifax, or the Suburbs thereof, Two or Three of the Magistrates of the said Town, shall have power, may, and are hereby empowered, to give Directions to pull down or blowing up any such House or Houses, as shall be by them adjudged meet to be pulled down or Blown up, for the stopping and preventing the further spreading of the Fire. And if it shall to happen that the pulling down or Blowing up of any such House or Houses, by the directions aforesaid, shall be the occasion of stopping the said Fire, or that the said Fire shall stop before it come to the same, That then all and every Owner of such House or Houses, shall receive reasonable Satisfaction, and be paid for the same by the rest of the Inhabitants of the said Town and Suburbs, (to be reckoned from the River called fresh Water River, to Mr. Mangers Drilling House inclusive) whose Houses shall not be burnt, at such Rate or Rates as shall be thought just, (in proportion to the Value of the Houses that are to be taxed) by the Justices of the said Town and County, in Court assembled at their next Quarterly Sessions; the said Tax to be levied, in case of nonpayment, by Warrant of Distress from the said Justices, and

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and for want of sufficient Distress, the Offender to suffer one Months Im-
prisonment. *Provided always*, That if the House where the Fire did be-
gin, and break out, shall be adjudged fit to be pulled down, or blown up,
to hinder the Increase and further spreading of the same, that then the
Owner of such House shall receive no manner of Satisfaction for the same,
any thing herein contained to the contrary Notwithstanding.

LVED, That (Whereas
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That it shall and may be lawful to and for the Justices of the Peace for
the Town and County of Halifax, from Time to Time, annually, to ap-
point such number of prudent Persons of known fidelity, not exceeding
Ten, in the several Parts of the said Town and Suburbs, as they may think
fit, who shall be denominated and called *Fire Wards*, and have a proper
Badge assigned, to distinguish them in their Office, viz A Staff of six Feet
in length, coloured Red, and Headed with a *bright Brass Spear* of six
Inches long: And at Times of the breaking forth of Fire, and during the
continuance thereof, shall and are hereby authorized and empowered, to
command and require Assistance for the extinguishing and putting out the
Fire, and for removing of Household Stuff and Furniture, Goods and Mer-
chandizes, out of any Dwelling Houses, Storehouses or other Buildings
actually on Fire, or in danger thereof, and Guards to secure and take care
of the same, as also to require Assistance for the pulling down or blowing
up of any Houses, or any other Service relating thereto, by direction of
two or three of the Magistrates of the Town as aforesaid, to Stop and pre-
vent the further spreading of the Fire, and to Suppress all Tumults and
Disorders. And the Officers appointed, from Time to Time, as aforesaid,
are required, upon the Notice of Fire breaking forth, (taking their Badge
with them) immediately to repair to the Place, and vigorously exert their
Authority for the requiring of Assistance, and using their utmost Endeav-
ours to extinguish and prevent the spreading of the Fire, and to preserve
and secure the Estate and Effects of the Inhabitants: And due Obedience is
required to be yielded unto them and each of them accordingly, for that
Service. And all disobedience, neglect, or refusal in any, shall be informed
of, to some of His Majesty's Justices of the Peace, within two Days next
after, and the Offenders therein, upon Conviction thereof before any two
of the Justices aforesaid (*Quorum unus*) shall forfeit and pay the Sum of
Forty Shillings each, to be levied and distributed by the discretion of such
Justices, among the Poor most distressed by the Fire. And in case the
Offenders are unable to satisfy the Fine, then to suffer Ten Days Imprison-
ment.

That if any evil minded wicked Persons shall take the Advantage of
such Calamity, to rob, plunder, purloin, embezzel, convey away, or con-
ceal any Goods, Merchandize or Effects, of the distressed Inhabitants,
whose Houses are on Fire, or endangered thereby, and put upon removing
their Goods; and shall not restore, and give Notice thereof to the Owner
or Owners, if known, or bring them into such Public Place as shall be ap-
pointed and assigned, by the Governor and Council, within the space of
two Days next after Proclamation made for that purpose, the Person or
Persons, so Offending, and being thereof convicted, shall be deemed Felons,
and suffer Death, as in Cases of Felony, without Benefit of Clergy.

Robbing
Felonies
Clergy
Abolished

5. In Council the First of December, 1752. RESOLVED, That all Bills of Exchange drawn before this Day, by Persons resident within this Province, upon Persons in Europe, that are already, or may be hereafter sent back protested, be subject to Ten per Cent. Damages, and Five per Cent. per Annum Interest, from the Day of the Date of the Protest to the Time of Payment.

And all Bills drawn as above, on or after this Day, and sent back protested, be subject to Fifteen per Cent. Damages only,

And all Bills of Exchange drawn by Persons residing within this Province, on Persons in the Colonies, and sent back Protested, be subject to Damages, at the rate of Ten per Cent. per Annum; from the Day of the Date of the Protest, to the Time of payment.

6. In Council the Sixth of December, 1752. RESOLVED, That if any Person or Persons now charged, or who shall or may hereafter be charged in Execution, for any Sum or Sums of Money, that from and after the Publication hereof, shall be minded to deliver up to his, her, or their Creditors, all his, her, or their Effects, towards the Satisfaction of the Debts wherewith he, she, or they stand charged; It shall and may be lawful to and for such Prisoner to exhibit a Petition to any of the Courts of Law within the said Province, or during the Intervals of the Sitting of such Courts, to any Two of the Justices of any such Courts from whence the Process issued, upon which he, she, or they was or were taken or charged in Execution, certifying the Cause or Causes of his, her, or their Imprisonment, and an Account of his, her, or their whole real or personal Estate, with the Dates of the Securities wherein any Part of it consists, and the Deeds or Notes relating thereto, and the Names of the Witnesses thereto, as far as his, her, or their Knowledge extends therein: And upon such Petition the said Court, or the said two Justices, may and are hereby required, by Order or Rule of the said Court, or by Order under the Hands and Seals of the said two Justices, to cause the said Prisoner to be brought up to the said Court, or before them the said two Justices, and the several Creditors at whose Suit he, she, or they stand charged as aforesaid, to be summoned to appear personally, or by their Attorney, in the said Court, or before them the said two Justices, at a Day to be appointed for that Purpose, and upon the Day of such Appearance, if any of the Creditors summoned, refuse or neglect to appear, upon Affidavit of the due Service of such Rule or Order of the said Court, or Order of the said two Justices, the said Court, or the said two Justices, shall and may, in a summary Way, examine into the Matter of such Petition, and hear what can or shall be alledged on either Side, for or against the Discharge of such Prisoner; and upon such Examination, the said Court, or the said two Justices, may and are hereby required to administer or tender to the Prisoner an Oath, to the Effect following; which Oath the said Court, or the said two Justices, are hereby empowered to administer.

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RESOLVED, That all I A. B. Do solemnly swear, in the Presence of Almighty GOD, that the
resident within this Account by me delivered into

in my Petition to
doth contain a true and full Account of all my real and personal Estate, Debts,
Credits, and Effects whatsoever, which I, or any in Trust for me, have, or
at the Time of my said Petition had, or am, or was in any respect intitled to,
in Possession, Remainder, or Reversion, (except the Wearing-Apparel and
Bedding for me or my Family, and the Tools or Instruments of my Trade or
Calling, not exceeding Ten Pounds in the whole) and that I have not at any
Time since my Imprisonment, or before, directly or indirectly, sold, leased,
assigned, or otherways disposed of, or made over in Trust, for myself or other-
wise, other than as mentioned in such Account, any Part of my Lands, Es-
tate, Goods, Stock, Money, Debts, or other real or personal Estate, whereby
to have or expect any Benefit or Profit to myself, or to defraud any of my
Creditors to whom I am indebted.

So help me GOD.

And in case the said Prisoner shall in open Court, or before the said two
Justices, take the said Oath, and upon such Examination, and his or her
making the said Oath, the Creditors shall be satisfied with the Truth thereof,
the said Court, or the said two Justices, may immediately order the Lands,
Goods, or Effects contained in such Account, or so much of them as may
be sufficient to satisfy the Debts wherewith he or she is or shall be charged,
and the Fees due to the Provost-Marshall of the said Province, and the
Keeper of the Goal or Prison from which the Prisoner was brought, to be by
a short Indorsement on the Back of the said Petition signed by the Prisoner,
assigned to the said Creditors, or to one or more of them in Trust for the
Property of the Lands, Goods, Debts, and Effects so assigned, shall be
vested in the Person or Persons to whom such Assignment is or shall be made;
who may take Possession of, or sue for the same, in his or their own Name
or Names; in like Manner as Assignees of Commissioners of Bankrupts, to
which Suit no Release of the Prisoner, his or her Executors or Administra-
tors, or any Trustees for him or her, subsequent to such Assignment, shall
be any Barr; and immediately upon such Assignment executed, the said
Prisoner shall be discharged out of Custody by order of the said Court, or
of the said two Justices: And such Order shall be a sufficient Warrant to
the Provost-Marshall, Goaler, or Keeper of such Prison, to discharge the
said Prisoner, if detained for the Causes mentioned in such Petition, and no
other; and he is hereby required to discharge and set him or her at Liberty
forthwith without Fee: Nor shall such Provost-Marshall or Goaler be liable
to any Action of Escape, or other Suit or Information upon that Account;
and the Person or Persons to whom the said Effects shall be assigned, pay-
ing the Fees to said Provost-Marshall; Goaler or Keeper of the Prison in
whose Custody the Party discharged was, shall and are hereby required to di-
vide the Effects so assigned, among themselves and all the Persons for whom they
shall be entrusted, in Proportion to their respective Debts: But in case the
Person or Persons at whose Suit such Prisoner was charged in Execution,
or any of them, shall not be satisfied with the Truth of the Oath of such
Prisoner before the two Justices as aforesaid, and shall desire further Time
to inform himself of the Matters contained therein, and shall insist upon his
or

or her being detained longer in Prison at his or their Suit, then the said Justices shall and may remand the said Prisoner, and direct the said Prisoner and the Person or Persons dissatisfied with such Oath, to appear before the Court whence the Process issued as aforesaid, at a certain Day during the Sitting of the said Court then next following such Examination, and to be by them at that Time appointed for the further Examination of the Matters contained in the said Oath, provided the said Person or Persons so dissatisfied, do agree by Writing under his or their Hands, to supply and allow weekly the full Quantity of *Eight Pounds* of good and wholesome Biscuit Bread *per Week*, unto the said Prisoner, to be so supplied and allowed the first Day of every Week, from and after the Time of such Prisoner's being so remanded, until the said Day so appointed for the further Examination of the Truth of the Matters contained in the aforesaid Oath, before the said Court as aforesaid; on Failure of the supplying of which weekly Allowance at any Time, the said Prisoner shall forthwith, upon Application to the said Court, or to the said two Justices, be discharged by such Order as aforesaid. But in case the said Prisoner shall refuse to take the said Oath before the said two Justices, or having taken the same, shall be detected of Falsity therein, he or she shall be presently remanded.

That such Judgment, Relief, and Directions by the said two Justices to be given as aforesaid, shall be as good and effectual, to all Intents and Purposes, as if the same had been made in the Court, out of which the Process issued on which such Prisoner was taken in Execution, and the like Proceedings shall be had thereupon, and a Record of such Judgment shall be made up in the same Form, and return'd and certified under the Hands of such two Justices before whom it shall be made, unto the Court from whence the Process on which such Prisoner was taken in Execution, issued, to be a Record of the said Court, and to be kept as such amongst the Records there.

*That if, on the Appearance of such Prisoner or Prisoners before the said Court as aforesaid, at such second Day so to be appointed by the said two Justices, the Creditor or Creditors of such Prisoner or Prisoners dissatisfied with the Truth of such Oath before the said two Justices, shall make Default in appearing, or in case he, she, or they shall appear, but shall be unable to discover any Estate or Effects of the Prisoner, omitted in such his or her Petition, or to shew any probability of his or her having been forsworn in the said Oath, then the said Court shall immediately cause the said Prisoner to be discharged upon such Assignment of his or her Effects in Manner as aforesaid, unless such Creditor or Creditors do insist upon his or her being detained longer in Prison at their Suit, and do agree, by Writing under his, her, or their Hands, to supply and allow Weekly the full Quantity of *Eight Pounds* of good and wholesome Biscuit Bread *per Week* unto the said Prisoner, to be supply'd and allowed the first Day of every Week, so long as he or she shall continue in Prison, at his, her, or their Suit as aforesaid, on Failure of the Supply of which weekly Allowance at any Time, the Prisoner shall forthwith, upon Application to the said Court, or during the Interval of such Courts Sitzings, to the said two Justices, be discharged by such Order as aforesaid.*

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That in case on the Appearance of the said Prisoner before any of the
said Courts of Law in this Province, on his Petition to them at any time du-
ring their Sitting Preferred as aforesaid, the Person or Persons at whose Suit
such Prisoner was charged in Execution, or any of them, shall not be sa-
tisfied with the Truth of the said Prisoner's Oath at that Time made, but
shall desire further Time to inform himself of the Matters contained there-
in, the said Court may and shall remand the said Prisoner, and direct the
said Prisoner and the Person or Persons dissatisfied with such Oath, to ap-
pear at another Day to be appointed by the said Court, some Time within
and during their then present Sessions for that purpose; subject in the mean
Time, and until such second Day, to the same Allowance to the said Priso-
ner, by such Person or Persons so dissatisfied with the said Prisoner's Oath,
and liable to the like Discharge in case of Default of such Allowance, as is
herein before directed, upon Application to the said two Justices as afore-
said; and if at such second Day so to be appointed, the Creditor or Credi-
tors dissatisfied with such Oath, shall make Default in appearing, or in case
he, she, or they shall appear, but shall be unable to discover any Estate,
or Effects of the Prisoner, omitted in such his or her Petition, or to shew
any Probability of his or her having been forsworn in the said Oath, then
the said Court shall immediately cause the said Prisoner to be discharged,
upon such Assignment of his or her Effects in manner as aforesaid, unless
such Creditor or Creditors do insist upon his or her being longer detained in
Prison at their Suit, and do agree, by Writing under his, her or their
Hands, to supply and allow weekly, the Quantity of *Eight Pounds* of good
and wholesome Biscuit Bread per Week, unto the said Prisoner, to be sup-
plied and allowed the first Day of every Week, so long as he or she shall con-
tinue in Goal at his, her or their Suit, on Failure of the supplying of which
weekly Allowance at any Time, the said Prisoner shall forthwith, upon
Application to the Court, or during the Interval of such Courts Sittings,
to any two of the Justices of the said Court, be discharged by such Order
as aforesaid. But in case the said Prisoner shall refuse to take the said
Oath, or having taken the same, shall be detected of Falsity therein, he or
she shall be presently remanded.

And to prevent Persons who may be charged in Execution, from lying in
Prison until they have spent their Substance, wherewith they should satisfy
their Creditors, and afterwards taking the Benefit of this Act, when they
have nothing left to deliver up to their Creditors; That, from and immediate-
ly after the Publication hereof, no Person charged or to be charged in Ex-
ecution, shall be allowed or permitted to exhibit a Petition to any of the
Courts of Law in this Province, or to any of the said two Justices of such
Courts from whence the Process issued, as is before provided; unless such
Petition be exhibited, if before the Court, within *Four Days* next after
the first Meeting of the said Court, which shall be next after such Person
shall be so charged in Execution, and if before the said two Justices, with-
in *Ten Days* next after such Person shall be so charged in Execution.

Provided always, That tho' the Persons of the Debtor or Debtors so dis-
charged, shall never after be arrested for the same Debt or Debts, yet not-
withstanding such Discharge, the Judgment against him or her shall stand
and remain in Force, and Execution may be taken out thereon against his
or

or her Lands, Tenements, or Hereditaments, Goods and Chattels, (his or her Wearing-Apparel, Bedding for him or herself and Family, and necessary Tools for the use of his or her Trade or Occupation, excepted) in the same Manner as if he or she had never been taken in Execution for the said Debt.

Provided also, That if any Person who shall take such Oath as aforesaid, before the said two Justices, or before the said Court as aforesaid, shall, upon any Indictment for Perjury in any Matter or Particular contained in the said Oath, be convicted by his or her own Confession, or by Verdict of *twelve* Men, as he or she may be by Force of this Act, the Person so convicted, shall suffer all the Pains and Forfeitures, which by Law be inflicted on any Person convicted of wilful Perjury, and shall be liable to be taken upon any Process, *De Novo*, and charged in Execution for the said Debt, in the same Manner as if he or she had never been discharged or taken in Execution before, and shall never afterwards have the Benefit of this Act.

Provided also, That if the Effects so assigned shall not extend to satisfy the whole Debts due to the Persons at whose Suit, he or she was charged, and the Fees due to the said Provost-Marshal or Goaler, there shall be an Abatement in Proportion; and such Provost-Marshal or Goaler shall come in as a Creditor, for what shall be then due to him for his Fees, in proportion with the Creditors at whose Suit he or she was charged in Execution.

That where there are mutual Debts between the Plaintiff and Defendant, or if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate, and either Party, *one* Debt may be set against the other, and such Matter may be given in Evidence upon the *General Issue*, or Pleaded in Barr, as the Nature of the Case shall require, so as at the Time of his or her Pleading the *General Issue*, where any such Debt of the Defendant, his Testator or Intestate, is intended to be insisted on in Evidence, Notice shall be given of the particular Sum or Debt so intended to be insisted on, and upon what Account it became due; or otherwise such Matter shall not be allowed in Evidence, upon such *General Issue*.

That every Provost-Marshal or his Deputy, Bailiff or other Officer or Minister aforesaid, offending against this Act, shall (over and above such Penalties or Punishments, as he shall be liable unto by the Law now in Force) for every Offence against this present Act, forfeit and pay to the Party thereby grieved, the Sum of *Fifty Pounds*, to be recovered, with *Treble* Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Law within this Province, wherein no Effoign, Protection, or Wager of Law, or more than one Imparance shall be allowed;

That in all Cases wherein, by this Act, an Oath is required, the Solemn Affirmation of any Person, being a Quaker, shall and may be accepted and taken in lieu thereof, and every Person making such Affirmation, who shall be convicted of wilful and false Affirming, shall incur and suffer such and the same Pains, Penalties and Forfeitures, as are inflicted and imposed, by the Laws and Statutes now in force, upon Persons convicted of wilful and corrupt Perjury.

That

That this Act, and the several Matters and Things, therein contained, shall continue in force until disapproved of by His Majesty in Council, or be repealed by the Legislature of this Province.

7. *In Council the Twenty second of December, 1752. RESOLVED, That* all Proprietors of Land be obliged to Fence their *Quota*; on failure to be liable to an Action *on the Case*, for the recovery of the Charges of fencing the same. *Re-enacted*

8. *In Council the Twenty sixth of March, 1753. RESOLVED, That* from and after the Publication hereof if any Person or Persons shall cut up, break down, steal, take, carry away, or any other ways destroy, any Fence or Fences or any part thereof, which already are, or shall or may hereafter be erected by the Proprietor or Proprietors of any such Farms, Five Acre Lots, or any other Lots of Land on this Peninsula or otherwise situate as aforesaid, such Offender or Offenders being thereof lawfully Convicted before His Majesty's Court of *General Quarter Sessions of the Peace*, to be held for the Town and County of *Halifax*, shall, by the said Court, be sentenced to be publicly whipped at the common Whipping Post in the said Town, any number of Stripes not exceeding Forty at the discretion of the said Court, and shall likewise be committed to the House of Correction, for the space of *Six Months*, there to be kept to hard Labour, and to receive the Discipline of the said House, in such Manner as by the said Court shall be directed; or otherwise, and until such House of Correction shall be erected, to receive such Corporal Punishment as aforesaid, and be committed to His Majesty's Goal in *Halifax* aforesaid, there to remain for the like space of *Six Months*, without Bail or Mainprize.

9. *In Council the Twenty third of April, 1753. RESOLVED, That* all Persons whatsoever making fast to the said Buoys, their Vessels, Boats, Rafts, or any other Thing which may possibly tend to destroy the same, or who shall remove, attempt to remove, cut away, or otherwise damage the said Buoys, or any Thing thereunto belonging, shall forfeit and pay the Sum of *Ten Pounds* Sterling, upon Conviction before any one of His Majesty's Justices of the Peace, on the Oath of one or more credible Witnesses, to be levied by Warrant of Distress and Sale of the Goods and Chattels of the Offender or Offenders, and for want of sufficient Distress, such Offender or Offenders to suffer *Six Months* imprisonment and hard Labour.

10. *In Council the Twenty fourth of October, 1754. RESOLVED, That* from and after the Thirtieth first Day of *December* next ensuing, all pickled Fish for Exportation, shall be put in none but full gage Barrels of *thirty two Gallons* at least, being *London* Assize; that the Fish be all of one Kind, well saved, sweet, free from Rust, and close packt, the Barrels tight, and full of sweet and strong Pickle. *Amended*

That Herring be free from Oil. *Re-enacted*

That merchantable Cod-Fish have the Qualities that make them so in *Newfoundland*.

That

That Boards shall be full *one Inch* thick, and no Boards to be exported to any of the Islands or Territories commonly called or known by the Name of the *West-Indies*, but what are square-edged.

That all Hoghead Staves be *six Inches* broad, *three quarters* Inch thick at the thin Edge, and *forty* Inches long.

That Barrel Staves be *four Inches* broad, and *half* Inch thick at the thin Edge, and *thirty* Inches long.

That Barrel Staves for the *Irish* Market be *thirty* Inches long, *five* Inches broad clear of Sap, and *three quarters* Inch thick at the thin Edge.

That Hoghead Hoops be *fifteen* Feet long, substantial and well shaved, and *three quarters* Inch broad at the thin End.

That Barrel Hoops be *nine* Feet long, and a *half* Inch broad at the small End.

That Shingles be *eighteen* Inches long, and at least *four* Inches broad, and a half Inch thick at the thick End.

That Clapboards be *five* Inches broad, *half* Inch thick at the Back, and *four* Feet *four* Inches long.

That Cord-Wood be full *four* Feet long each Stick, accounting half the Carf, the Pile to be solid, *four* Feet high, or an Allowance for Wants, and *eight* Feet long, and each Cord sound hard Wood.

That from and after the said thirty-first Day of *December* next, all Sorts and Kinds of tight Casks used for any Liquor, or Filth, or any other Commodity within this Province, shall be of *London* Assize. *That is to say*, *four* Gallons, Hogheads *Sixty-three* Gallons, Puncheons *Eighty* Gallons, *four* Gallons, and to be made of sound and well seasoned Timber, and free of Sap; and that fit Persons be appointed from Time to Time in all Places needful, to view and gauge all such Casks, and such as shall be found of due Assize shall be marked with the Gauger's Mark, who shall have for his Pains *Four Pence* per Ton; and every Cooper shall set his distinct Brand-Mark on all Cask made by him, on Penalty of *Forty Shillings*.

And whosoever shall put to sale any new Cask, or any Cask new made up from old Stuff, being deficient either in Workmanship, Timber, or Assize as aforesaid, upon Proof thereof made, by one sufficient Witness, before any one of His Majesty's Justices of the Peace, he shall forfeit such Cask, and be fined and pay the Sum of *Ten Shillings* for every Cask that shall be so found defective, to be levied by Warrant of Distress and Sale of the Offender's Goods, under the Hand and Seal of such Justice, and for want

want of sufficient Distress to be found, the Offender to suffer Ten Days Imprisonment for every Cask so found defective, provided the said Imprisonment do not, in the whole, exceed the Term of *Three Months*.

That the Grand Jury for the County of *Halifax*, summoned to appear and serve at the Supream Court, to be held on the last Tuesday in *October*, in and for this Province, shall annually at their said Meeting, and before the Rising of the said Court, nominate and appoint fit Persons to serve in the Town and Suburbs of *Halifax*, and Places thereto adjacent, as Gaugers of Casks, Cullers and Surveyors of dry and pickled Fish, Boards, Staves, Shingles, Clapboards, Hoops and Cord-Wood; and shall report to the said Court the Names of the several Persons by them so nominated and appointed for the Service aforesaid, that they may be sworn by the said Court to the due Execution of their several Offices, which, if any so nominated and appointed shall refuse, he shall pay the Sum of *Forty Shillings*, and another shall be nominated and appointed in like Manner in his stead.

Provided always, That if it shall happen that any one of the Officers so nominated and appointed as aforesaid, should happen to die or misbehave, or depart the Province during the Interval of the Sitting of the said Court, that then another fit Person shall and may be nominated and appointed in his Stead by his Excellency the Governor, Lieutenant Governor or Commander in chief of the said Province for the Time being; such Officer so appointed shall and may be sworn to the due Execution of his Office, before any one of His Majesty's Justices of the Peace, and shall and may continue in and execute such Office, until another shall be appointed by the Grand Jury, at their next Meeting before the said Supream Court, any thing herein contained to the contrary notwithstanding.

That the Grand Jury to be summoned to appear and serve at the Supream Court, to be held on the last Tuesday of this present Month of *October*, shall and may, and they are hereby impowered to nominate and appoint the several Officers to be appointed for the Year ensuing, to put this Act in Execution, and such Officers shall and may be sworn by the said Court, to the due execution of their several Offices.

That the Justices of the Peace, at their general Quarter-Sessions of the Peace, to be holden in and for the Town and County of *Halifax* in the said Province, shall yearly, or as often as there shall be Occasion by Means of Death, Misconduct, or Removal out of the Province, in any other Town or Place in the said Province needful thereof, nominate and appoint a fit Person or Persons to serve in such Town or Place as Gaugers of Cask, Cullers and Surveyors of dry and pickled Fish, Boards, Staves, Shingles, Clapboards, Hoops and Cord-Wood, and such Person so nominated and appointed shall and may be sworn to the due Execution of his Office, before any one of His Majesty's Justices of the Peace; and if any Person shall refuse to serve in the said Office, to which he shall be so nominated and appointed, he shall pay the Sum of *Forty Shillings*, and another shall be appointed in like manner in his Stead.

And every Gauger of Cask appointed as aforesaid, shall take care that such Cask by him viewed and marked as herein before directed, be of true and full Assize, and agreeable to the other Qualifications by this Act required, and that he mark no Cask whatsoever defective in any of the aforesaid Particulars, on Penalty of *Ten Shillings* for every Cask so by him marked, that shall be found defective in any of the aforesaid Respects.

And for preventing of Fraud and Deceit in the Packing of pickled Fish to be put to Sale, That in every Town within this Province, where such pickled Fish are packed for Sale, the Surveyor or Surveyors of Fish of such Town, or of the Town where they are put to sale or shipped, shall see that it be well and orderly performed, and that said Fish be packed all of one Kind, and that all Cask so packed be full, and in all other Respects answerable to the Regulations herein specified in that Behalf, setting his Brand or Mark on all Casks so by him examined and surveyed, and he shall receive of the Purchaser or Purchasers of such Fish, for surveying and marking, *One Penny* per Barrel, and *Three Pence* per Mile for his Travel, if out of the Town or Suburbs of *Halifax* aforesaid. And if any such pickled Fish be put to sale or shipped off without the Surveyor's Brand or Mark, they shall be forfeited, or the Value thereof, by the Seller or Shipper thereof.

That all sorts of green or pickled Fish, or that shall be put up for Transportation to a Foreign Market, shall be searched, surveyed and approved by the sworn Surveyor, who shall take strict care that the same be in all Respects agreeable to the Regulations herein before specified, and shall and may open the Head of any one Barrel the Buyer shall chuse for that Purpose, and such as shall be so found good and merchantable, the Surveyor shall mark with such Brand-Mark as shall be assigned to him by the said Court, or by such Justices of the Peace, (where they by this Act are empowered to appoint him) and such other Cut-Mark as may denote the Kind of Fish and Time when packed. And if any Master of any Ship or Vessel, or any Officers or Mariners belonging thereto, shall receive such pickled Fish, not marked and branded as aforesaid, on board any of their Ships or Vessels, he or they who shall offend therein, shall forfeit double the Value of all such Fish, and he or they who shall own such Fish shall forfeit the same, or the Value thereof. And if any Cooper or other Person shall shift any Fish, either on Board or on Shore, after the same hath been so marked and branded by the Surveyor, and Ship and Export the same, the Surveyor not having allowed thereof, and a-new marked and branded the Cask whereinto such Fish shall be so shifted, all Persons acting, ordering, or assisting therein, upon Conviction thereof before any one of His Majesty's Justices of the Peace, by the Oath of one credible Witness, for the first Offence shall suffer *six Months* Imprisonment, for the second Offence *nine Months* Imprisonment, and for the third Offence *twelve Months* Imprisonment without Bail or Mainprize; and shall likewise pay double Damages to the Person wronged thereby. And if any Person or Persons shall presume to counterfeit the Brand-Mark of any Surveyor or Gauger, or Certificate of any Culler, upon due Proof or Conviction, he or they shall incur, forfeit and pay the Sum of *Ten Pounds*, and suffer one Month's Imprisonment.

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That the Culler of Fish thereto appointed as aforesaid, shall cull all merchantable Fish that shall be sold or exported, and shall have *One Penny* per Quintal for every Quintal of merchantable Fish by him culled, to be paid by the Purchaser or Shipper, and *Three Pence* per Mile for his Travel, if out of the Town or Suburbs of *Halifax* aforesaid, and such Culler shall give a Certificate under his Hand, specifying the Quantity of Fish to be him culled, and the Name of the Owner, Seller, or Shipper thereof, and of the Time and Place where culled: and if any dry Fish shall be put to sale, or shipped for Exportation, without having been so culled by the Culler, or without having such Certificate thereof as before directed, the same shall be forfeited, or the Value thereof, by the Seller or Shipper thereof.

That all Boards, Plank, Timber and Slit-Work that shall be imported, or brought for Sale to any Town within this Province, or exported from thence to any Foreign Market, before their Delivery on Sale, shall be viewed, surveyed, and also measured, by one of the Surveyors thereto appointed, (where he shall have any Doubt of the Measure) having Consideration for drying and shrinking, also shall mark a-new all such to the just Contents, making Allowance for Rotts, Splits and Wains; the Buyer to pay the Officer *Four Pence* per thousand Feet, for viewing only, and *Six Pence* per thousand Feet more for measuring and marking; and to *pro rata*, for a lesser Quantity than a thousand Feet, and *Three Pence* per Mile for his Travel as aforesaid. And no Boards, Plank, Timber, or Slit-work, shall be delivered upon Sale, or Shipped for Exportation beyond Sea, before they have been viewed and surveyed by the Surveyor, and by him found to answer the Descriptions in this Act mentioned, and also measured (if Occasion be) and marked a-new by one of the Officers thereto appointed, on Pain of being forfeited, or the Value thereof, by the Seller or Shipper thereof.

That all Shingles and Clapboards exposed to Sale by Quantities in Bundles, that do not hold out the Number they are marked for, unless it shall appear that some have been drawn or shaken out of the Bundle after packing, shall be forfeited; the Charge of searching and telling to be paid thereout. That every Bundle of Shingles and Clapboards, that, according to the Judgment of the Surveyor, will hold out *eighteen Inches* long, *four Inches* broad, and *half an Inch* thick, agreeable to the Dimensions by this Act prescribed for Shingles, and if Clapboards, *five Inches* broad, *half Inch* thick at the Back, and *four Feet* *four Inches* long, being the Dimensions by this Act prescribed for Clapboards, shall be accounted merchantable, and all that are otherwise to be culled out and burnt, till what be left of said Bundle, will bear the Proportions before described, according to the Judgment of the said Surveyor, who shall have for his Service, if Shingles, *One Penny* per Thousand, if Clapboards, *Two Pence* per Thousand surveying, and *One Penny* more per Thousand telling, to be paid by the Buyer where no Forfeiture is found for want of Tale to satisfy such Charge, and for every Thousand he culls and binds up again, *Six Pence* per Thousand, and proportionably for a lesser Quantity; to be paid by the Owner or Seller of the said Shingles or Clapboards, returning the Remainder to the Owner, if any be, after the Charges are paid.

That

That if any Boards, Plank, Timber, or Slit-work, or any Shingles or Clapboards shall be exposed for Sale, or shipped for Exportation, without such Survey, as above directed, had before the Delivery thereof, the whole of such Boards, Plank, Timber, Slit-work, Shingles or Clapboards, or the Value thereof, shall be forfeited by the Seller or Shipper.

That all Hoghead Staves, Barrel Staves, Hoghead Hoops, and Barrel Hoops, that shall be imported or brought for Sale to any Town within this Province, or exported from thence to any foreign Market, before their Delivery on Sale, shall be viewed and surveyed by one of the Surveyors thereto appointed, who shall take strict Care that the same be severally conformable to the Directions of this Act, and that all Staves and Hoops, that according to the Judgment of the said Surveyor, shall be agreeable to the Directions of this Act, and none other, shall be accounted Merchantable, and all that shall be found otherwise, to be culled out and burnt, 'till what be left will bear the several Proportions by this Act Described, according to the Judgment of the said Surveyor, who shall have for his Service, if Staves, *Six Pence* per Thousand, if Hoops, *Three Pence* per Thousand, to be paid by the Buyer.

That all Hoops exposed to sale by Quantities in Bundles, that do not hold out the Number they are so exposed to sale for, unless it appear that some are drawn or thaken out of the Bundle after packing, shall be forfeited: the Charge of surveying and *Three Pence* per Thousand telling, and so in Proportion for a lesser Quantity, being paid thereof. And if any Staves or Hoops shall be delivered upon sale, or shipped for Exportation, to any Foreign Market, ~~before they have been surveyed by the Surveyor,~~ and by him found to answer the Descriptions in this Act mentioned, the same shall be forfeited, or the Value thereof, by the Seller or Shipper thereof.

That all Cord-Wood exposed to sale, shall on the Sale, and before the Delivery thereof, be surveyed by the Officer for that Purpose appointed, who shall measure the same, and take Care that each Cord do answer the Qualifications by this Act required, and he shall receive of the Buyer for such Survey and Examination, *Two Pence* per Cord and no more; and if any Cord-Wood shall be sold and delivered without such Survey, the same shall be forfeited, or the Value thereof, by the Seller.

And if any Person shall refuse to satisfy the Officer or Officers by this Act appointed, his Fees beforementioned, he shall have Power to detain so much of the Commodity, as will make him Satisfaction for his Fees and Travel aforesaid; *provided* that such Fees do not exceed the Sum of *Twenty Shillings*, and in Case the same shall exceed such Sum of *Twenty Shillings*, then to be levied by Warrant of Distress and Sale of the Offenders Goods and Chattels, under the Hand and Seal of any one of His Majesty's Justices of the Peace; the Surplus, if any be, after paying the Officer's Fees and Charges of Distress and Sale, to be returned to the Owner of the said Goods.

That an Oath shall be administered to the several Officers that shall be chosen to gauge, survey and search the several Articles in this Act mentioned, in the following Form, *Viz.*

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YOU swear, That you will from Time to Time, diligently and faithfully discharge and execute the Office of-----within the Limits whereto you are appointed for the ensuing Year, and until another be chosen in your Place, and that in and by all the Particulars mentioned in the Laws whereto your Office hath Relation; and that you will do therein impartially according to Law, without Fear or Favour.

So help you GOD.

That all Fines, Penalties, and Forfeitures arising by Force and Virtue of this Act, shall be one Half to His Majesty, towards the Support of His Majesty's Government of this Province, and the other Half to him or them that shall inform or sue for the same; to be recovered in Manner following; That is to say, Where the Forfeiture or Value thereof shall not exceed the Sum of *Twenty Shillings*, the same to be recoverable before any one of His Majesty's Justices of the Peace, by the Oath of one credible Witness, to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, under the Hand and Seal of such Justice, and for want of sufficient Distress, such Offender to suffer *twenty Days* Imprisonment; and where the Forfeiture or Value thereof shall amount to above *Twenty Shillings*, but shall not exceed the Sum of *Three Pounds*, then the same to be recoverable before any two of His Majesty's said Justices, upon the like Proof as above, and to be levied by like Warrant under the Hands and Seals of such Justices, and for want of sufficient Distress, the Offender to suffer *sixty Days* Imprisonment; and in case such Forfeiture or the Value thereof shall exceed *Three Pounds*, the same to be recoverable by him or them who shall inform or sue for the same, in any of His Majesty's Courts of Record in this Province.

That this Act be read and published once every Year, at the opening of the *Supream Court*, and also at the opening of the *Court of General Quarter Sessions of the Peace* for the Town and County of *Halifax*.

11. In Council the *Fourteenth* of April, 1755. **RESOLVED**, That after the Publication hereof, no Butcher whatsoever, by himself or any other Person, shall gash, cut, or split any Hide of Ox, Bull, Steer, or Cow, or any Calf-Skin, in fleaing thereof or otherwise, whereby the same shall be impaired or damaged, on pain of forfeiting the Sum of *Twenty Shillings* for splitting, gashing or cutting any such Hide or Skin.

That no Tanner or other Person whatsoever, shall sell, or expose to Sale, any Leather tanned, curried, or otherwise dressed or manufactured within this Province, or imported into the same from any of the neighbouring Colonies, 'till the same has been viewed, stamped, and marked, by the Officer for that Purpose to be appointed and sworn in manner hereafter prescribed, on pain of forfeiting the Sum of *Twenty Shillings* for every Hide or Skin so sold or offered to be sold.

That the Grand Jury for the County of *Halifax*, summoned to appear and serve at the *Supream Court* to be held on the last Tuesday in *April*, in and for this Province, shall annually, at their said Meeting, and before the Rising of the said Court, nominate and appoint two fit Persons to serve in the Town and Suburbs of *Halifax*, and Places thereto adjacent, as Survey-

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ors of all such Hides and Skins; who shall be sworn by the said Court to the due Execution of their Office, in the Words following, *Viz.*

" **Y**OU swear, That you will from Time to Time diligently and faithfully discharge and execute the Office of *within the*
 " Limits whereto you are appointed for the ensuing Year, and until another be
 " chosen in your Place, and that in and by all the Particulars mentioned in
 " the Lawes whereto your Office hath Relation; and that you will do therein
 " impartially, according to Law, without Fear or Favour.
 So help you GOD.

And every Surveyor so appointed and sworn, shall, from Time to Time, view all such Hides or Skins as aforesaid, and shall stamp and mark all such as he shall find to be sufficiently tanned, curried, or otherwise dressed or manufactured; and if any such Hides or Skins shall have been manufactured within this Province, the same shall be stamped and marked with the first Letter of the Name of the Town wherein they have been so manufactured: And such Surveyor shall be paid for his Trouble in viewing and marking such Hides and Skins at the following Rates, *That is to say, Three Pence for every Ox, Bull, Steer, or Cow-Hide; and for every Calf-Skin One Penny.*

And if any Person or Persons shall presume to counterfeit the Stamp or Mark by this Act required, and shall be thereof convicted, he shall forfeit the Sum of *Ten Pounds.*

That the Justices of the Peace, at their *General Quarter-Sessions* of the Peace, to be holden in and for the Town and County of *Halifax* aforesaid, shall Yearly, or as often as there shall be Occasion by means of Death, Misconduct, or Removal out of the Province, in any other Town or Place in the said Province needful thereof, nominate and appoint a fit Person or Persons in such Town or Place, as Surveyors of all such Hides or Skins; and such Person so nominated and appointed, shall and may be sworn to the due Execution of his Office, before any one of His Majesty's Justices of the Peace: And if any Person shall refuse to serve in the said Office, to which he shall be so nominated and appointed, he shall pay the Sum of *Forty Shillings*, and another shall be appointed, in like manner in his Stead.

All Forfeitures and Penalties arising by Force and Virtue of this Act, to be one Half to the Informer, and the other Half to the Use of the Poor; and to be recovered before any One of His Majesty's Justices of the Peace within this Province, and to be levied, upon due Conviction, by Warrant of Distress and Sale of the Offender's Goods and Chattels under the Hand and Seal of such Justice; and for want of sufficient Distress, the Offender to suffer *Twenty Days* Imprisonment.

re-enacted 12. In Council the Fourteenth of April, 1755. **RESOLVED**, That all Casks of Pork and Beef which shall be sold, exported to Sale, or bartered or bargained for in any Way, within this Province, from and after the Publication of this Act, shall contain at the Rate of *two Hundred and twenty Pounds* of nett Meat per Barrel or Cask of *Thirty two Gallons.*
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And for the better preventing any Deceit or Imposition upon Purchasers, who may be unskilled in the just and proper Methods of packing Meat in Casks for Sale.

That all Persons exposing to Sale, or bartering any Casks of Pork or Beef within the said Province, shall (when so required by the Person or Persons purchasing, bartering or bargaining therefor) suffer the said Cask or Casks of Meat to be opened and inspected by such Person as shall be appointed to, and sworn to Justice and Fidelity in the said Service in manner hereafter prescribed; which Person shall, after careful Inspection and Examination, ascertain any Deficiency of the before-mentioned Weight, which shall to him appear to be therein.

That all Persons selling, offering to Sale, or bartering away any such Casks of Pork or Beef, shall deduct and allow to the Purchaser thereof at the Rate of One Penny on every Twenty Shillings of the Purchase Money, for each Pound weight of Meat, which shall, upon such Inspection and Examination, appear to be wanting in the said Cask or Casks, at the aforesaid Rate of Two Hundred and Twenty Pounds per Barrel.

That any Person or Persons selling, exposing to Sale, or bartering away any Casks of Pork or Beef within this Province, who shall refuse to suffer such Inspection and Examination, or that shall, after the same may have been made, refuse to deduct and allow to the Purchaser at the Rate herein before-mentioned, for the Deficiency of the Weight thereof, the Person or Persons so offending shall forfeit and pay the Sum of Twenty Shillings for each such Cask.

That the next Grand Jury of the County of Halifax, may and shall, at some Time during the next Sitting of the Supreme Court, nominate some one or more suitable Person or Persons for the Service of inspecting, examining and ascertaining the Deficiency in the Weight of such Cask of Pork or Beef at Halifax; who shall in the said Court, take an Oath for the just and faithful Performance of the said Service, in the Words following, *Viz.*

"**YOU** swear, That you will from Time to Time diligently and faithfully discharge and execute the Office of
Limits where you are appointed for the ensuing Year, and until another be chosen in your Place, and that in and by all the Particulars mentioned in the Laws where your Office hath Relation, and that you will do therein impartially, according to Law, without Fear or Favour,
to help you GOD.

And that future Grand Juries may and shall, as Occasion may require, nominate other Persons to the said Service, to be sworn at the then next to be holden Supreme Court or Quarter-Sessions. And at the other Ports within this Province, where His Majesty has or shall have Troops or Settlements, the Commanding-Officer for the Time being, in each such Port

Port, may and shall appoint some suitable Person to that Service, who shall take such Oath as before-mentioned, in Presence of the said Commanding-Officer.

That if such Person or Persons as shall be nominated for the aforesaid Service, shall refuse to be sworn thereunto, he or they shall forfeit the Sum of *Forty Shillings* for the Uses of this His Majesty's Government. And if such Person or Persons, after having been nominated and sworn in manner before-mentioned, shall refuse or neglect the said Service when thereunto required, he or they shall (without reasonable Cause appearing for his or their Refusal or Neglect) forfeit the Sum of *Five Shillings* for each Offence, to the Person or Persons aggrieved, and complaining thereof within the Term of *three Days* after the same. The said Offence to be enquired of and determined before any One of His Majesty's Justices of the Peace within the said Province.

That such Person or Persons as shall be nominated and sworn to the aforesaid Service, shall, when employed therein, by any Person or Persons, be paid therefor in manner following, *Viz.*

For a single Cask, *Eight Pence.*

For any other Number not exceeding Ten, *Four Pence Half-Penny* each.

For any Number exceeding Ten, *Four Pence* each.

The same to be paid by the Seller, on each Cask which shall be found deficient in Weight, and by the Purchaser on each Cask which shall be found not deficient in Weight, at the Rate herein before affixed. Any Dispute arising herein, to be enquired of and determined before any one of His Majesty's Justices of the Peace within the said Province.

That all the Penalties and Forfeitures arising by Force and Virtue of this Act (excepting those, the Recovery and Disposition whereof are in the said Act already provided for) shall be divided and disposed of in manner following, *Viz.*

One Moiety for the Use of this His Majesty's Government, and the other Moiety to the Person or Persons who shall inform or sue for the same, and shall be recovered, with Costs, by Action of Debt, Bill, Plaint or Information, in any Court of Record within this His Majesty's Province, in which no Escoign, Protection or Wager of Law shall be allowed.

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An ACT for the granting *Bounties* and *Premi-
ums*, on the fencing and improving Lands, rais-
ing *Grain*, *Roots*, *Hay*, *Hemp*, *Flax*, and catch-
ing and curing *Fish*.

HEREAS altho' this Colony is unable under its present
Circumstances, to provide for the necessary Expence of His
Majesty's Government here, yet as the granting of Bounties
for the encouragement of Industry &c. may influence many
of His Majesty's Subjects to become Settlers in the Province,
to the increase of the Wealth thereof. Be it therefore Enac-
ted by the Governor, Council and Assembly, and by the
Authority of the same it is Enacted. That the following Bounties and
Premiums be paid by the Treasurer of this Province, out of the Monies
already granted, or that shall hereafter be granted by the General Assembly,
by Duties on Wine, Beer, Rum and other Spirituous Liquors, or any other
Duty, which shall be found necessary to be laid, in order to discharge the
same, To the Person or Persons producing Certificates in manner hereafter
mentioned.

Cap. 6.

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That the Sum of *Two Shillings and Six Pence* this Currency, be paid by
the Treasurer for every Rod of good and sufficient *Stone-Wall*, erected on the
Peninsula of Halifax, being *Sixteen and a half Feet* long, *Four Feet* in
height, and *Two Feet and a half* thick at Bottom; and containing not less
than *Twenty Rods*. This Bounty to continue for the space of *Two Years*.

That there be paid, by the Treasurer, the Sum of *Two Shillings*, for e-
very Gros Hundred Weight of good and sufficient *English Hay*, which
shall be cut and made within the *Peninsula of Halifax*, This Bounty to be
continued for *Three Years*.

That there be paid by the Treasurer, the Sum of *Eighteen Pence* for e-
very Bushel of *Wheat*, *Barley*, *Rye* and *Peas*, *Six Pence* for every Bushel of
Potatoes, and *Three Pence* for every Bushel of *Turnips*, raised upon the Lands
of *Halifax*, *Lunenburg* and *Dartmouth*. This Bounty to continue for the
space of *Two Years* only.

That there be paid by the Treasurer, *One Penny* for every Pound of
merchantable *Hemp* (that is to say) Bright, well cured, of *Four Feet* in
length, Water rotted, and fitted for the Hatchel, and *One Penny* for every

Found of merchantable *Flax*, fitted for the Hatchel: said *Hemp* and *Flax* to be raised from the Lands of *Halifax*, *Lunenburg*, and *Dartmouth*. *This Bounty to continue for the space of Two Years.*

And be it further enacted by the Authority aforesaid, That any Person or Persons, who shall claim any of the Bounties or Premiums on Grain, Roots *Hemp*, *Flax*, and *Hay*, or *Stone-Wall*, shall be obliged to make Oath before any one of His Majesty's Justices of the Peace, that such Grain, Roots, *Hemp*, *Flax* and *Hay*, or *Stone-Wall*, were raised in this Colony, within the Districts as in this Act are before prescribed, and since the granting the Bounties thereon, and that no part of the said Bounty or Premium has been paid; the Quantity whereof, as also the Number of Rods of *Stone-Wall*, shall be ascertained by the Oath of Two credible Persons, who saw the same respectively Measured or Weighed: Upon complying wherewith, such Justice is hereby required to give such Person or Persons a Certificate, as in this Act is prescribed; upon producing whereof to the Treasurer of this Province, such Bounty or Premium shall respectively be paid, at such Times as hereafter in this Act are respectively prescribed. The Form of which Certificates shall be in the Words (*Mutatis Mutandis*) following, *Viz.*

Nova-Scotia, ff

I do hereby Certify, That A. B. of

both compiled with an Act of this Province for granting Bounties and Premiums, and that it appeared to me, as well upon the Oath of the said A. B. as of C. D, and E. F. two credible Persons, that the said A. B. hath raised

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Rods of Stone-Wall;*

within the District of *Hundred*
of Hay within the Peninsula of Halifax, since the granting such Bounties
and Premiums and that no part of the said Bounty or Premium hath been paid.
Grown under my Hand this *Day of*
To the Treasurer of *175*
the said Province.

That, for the further encouragement of the Fishery in this Province, there shall be paid by the Treasurer, the Sum of Eighteen Pence for every Quintal of dried Cod-Fish, Culled and Weighed off, which shall be caught and cured during the Fishing Season by Vessels, the Property whereof shall belong to, and be owned by Persons who shall have resided in this Province for the space of Twelve Months, at the Time of receiving the Bounty; the Crews thereof to consist, at least the one Half of Persons living or residing within the Province, for the space of Twelve Months. The Proof of Fishermen or their Owners residence in the Province, to be by their Oath or other Proof before one of His Majesty's Justices. The Condition on which the Bounty shall be demanded, shall be on the Oath of the Owner, as to the Property, and of the sworn Culler, as to the Quantity. And this Bounty to extend through the whole Province, and to continue for the space of New Years from the first of January next, with this Proviso, That at the Expiration of the Third Year, there shall be One Shilling only per Quintal

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Bounty paid by the Treasurer as aforesaid; for every Quintal of dried Cod-Fish, caught and cured in the Province in manner aforesaid.

That there be paid by the Treasurer, in manner and Form aforesaid, One Shilling per Barrel; for every Barrel of Pickled Mackerel, Herring or Salmon, shipped for Exportation. This Bounty to be continued for Five Years.

And be it further enacted by the Authority aforesaid, That any Person or Persons who shall claim any of the Bounties or Premiums on dried Cod-Fish, pickled Mackerel, Herring or Salmon, shall be obliged to make Oath before any one of His Majesty's Justices of the Peace, that such Cod-Fish were caught during the Fishing Season, by Vessels, the Property whereof is in him or them, and by him or them owned, and that he or they have resided in this Province for the space of Twelve Months, and that the Crews thereof are, at least one Half, of such Persons that have resided as aforesaid for the same Time; and that the same were cured, culled, and Weighed off during the Fishing Season, and were caught, cured, culled, and Weighed off in this Province, since the granting the Bounties and Premiums thereon. And the sworn Culler in said Province, shall likewise swear to the Quantity of Fish by him culled and Weighed off, and by him or them owned as aforesaid; And that he or they have received no part of the Bounties or Premiums thereon. And in like manner any Person or Persons who shall claim any of the Bounties or Premiums on pickled Mackerel, Herring, or Salmon, shall be obliged to make Oath in manner aforesaid, that such pickled Mackerel, Herring, or Salmon, is or was the Property of him or them, who have resided in the Province for the Term aforesaid, and that the same were caught, cured and well packed in good and sufficient Barrels, and by him or them shipped for Exportation in Quantity

Barrels, which Quantity and Quality to be sworn to by the Surveyor. And that the same were caught, cured, packed and shipped in this Province, since the granting the Bounties and Premiums thereon, and that he or they have received no Part of said Bounties or Premiums, and shall bring a Receipt for the Quantity so shipped, from the Shipper thereof; Upon complying wherewith, such Justice is hereby required to give such Person or Persons a Certificate as in this Act prescribed: upon producing whereof to the Treasurer of this Province, such Bounty or Premiums shall respectively be paid at such Times as hereafter in this Act are respectively prescribed; The Form of which Certificates, shall be in these Words, (*Mutatis Mutandis*) following *Viz.*

Novae-Scotiae, ff

I do hereby Certify that A. B. of _____ in the Province aforesaid, hath complied with an Act of this Province for granting Bounties and Premiums, and that it appeared to me, as well upon the Oath of the said A. B. as upon the Oath of C. D. sworn Culler, that the said A. B. hath caught, cured, culled, and Weighed off _____ Quintals of dried Cod-Fish, caught, cured, culled, and Weighed off in the Province, during the Fishing Season, since the granting of such Bounties and Premiums, and no Part of said Bounty or Premium hath been to him paid. And that in like manner the said A. B. (or any other) hath caught, cured, well packed, and shipped for Exportation,

in good and sufficient Barrels, and hath produced Receipt thereof from the Shipper thereof, and the Oath of the Surveyor to the Quantity and Quality thereof,

Barrels of pickled Mackerel.

Ditto of Herring.

Ditto of Salmon.

being caught, cured, and packed in this Province, during the Fishing Season, since the granting of such Bounties and Premiums, and that no Part of the said Bounty or Premium, hath been to him paid. Given under my Hand this

Day of

*To the Treasurer of
the said Province. }*

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And be it further enacted by the Authority aforesaid, That all Bounties payable by Virtue of this Act, shall be paid on or before the Twenty fifth Day of March Annually; And that all Premiums payable by Virtue of the same, shall be on the Twenty fifth Day of March Annually; and be extended to each District as in the Act mentioned.

And it is further enacted by the Authority aforesaid, That for the further Encouragement of the Fishery, Labour, and Industry, over and above the before mentioned Bounties, there shall be paid by the Treasurer, in manner and form aforesaid, the following Premiums, for the space of Five Years.

To every Person who shall raise the greatest Quantity of merchantable Hemp, on the Lands of Halifax, Lunenburg, and Dartmouth, exceeding Six hundred Weight, the Sum of Six Pounds; and to every Person who shall raise the next greatest Quantity of Hemp, exceeding Four hundred Weight, the Sum of Four Pounds; and to the Person who shall raise the next greatest Quantity of Hemp, exceeding Two hundred Weight, the Sum of Two Pounds. The said Hemp to be bright, well cured, and Water rotted, and fit for the Hatchel. The said Premiums to be paid for the Three first Years, in manner as aforesaid, and for the remaining Two Years, the Quantity to be doubled.

To the Person who shall raise the greatest Quantity of Grain exceeding Fifty Bushels, of any Species, on the Lands of Halifax, Lunenburg, and Dartmouth, the Sum of Five Pounds. This to be paid for the Three first Years, in manner as aforesaid, and for the remaining Two Years, the Quantity to be doubled.

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To the Person who shall catch and cure in this Province, under the Restrictions before-mentioned, the greatest Quantity of *Cod-Fish*, exceeding *Seven Hundred Quintals*, the Sum of *thirty Pounds*; and to the Person who shall cure the next greatest Quantity of *Cod-Fish*, exceeding *Five Hundred Quintals*, the Sum of *Twenty Pounds*; and to the Person who shall catch and cure the next greatest Quantity, exceeding *Three Hundred Quintals*, the Sum of *Ten Pounds*. The said *Premiums* to be paid for the *Three* first Years in manner as aforesaid; and for the remaining *Two* Years, the Quantity to be doubled.

To the Person who shall catch and cure in this Province, the greatest Quantity of merchantable pickled *Fish* (that is to say) *Mackerel*, *Herring*, or *Salmon*, exceeding *Two Hundred Barrels*, the Sum of *Five Pounds*. The said *Premium* to be paid in manner aforesaid for the first *Three* Years; and for the remaining *Two* Years, the Quantity to be doubled.

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An ACT for the better Observation and Keeping of the LORD's Day.

E it enacted by his Excellency, the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That in order that all Persons may on the Lord's Day, apply themselves to Duties of Religion and Piety, both publickly and privately, That no Tradesman, Warehouse-keeper, Shop-keeper, or other Person whatsoever, shall for the future open his, her, or their Shop or Warehouse, or either by himself, or herself, or by his or her Servant or Servants, Child or Children, Sell, expose or offer to Sale, upon any Bulk, Stall or Shed, or send or carry out, any manner of Goods or Merchandize on the Lord's Day, or any Part thereof. *Provided nevertheless*, that this Act shall not extend to prohibit any Persons from selling or exposing to Sale, Milk and fresh Fish, before the Hour of nine of the Clock in the Morning, and after five of the Clock in the Afternoon, on the said Day.

And be it further enacted by the Authority aforesaid, That no Truckman, Labourer, or other Person whatsoever, for the future, shall do or exercise any Labour, Work or Business of his or their ordinary Callings, or other worldly Labour, or suffer the same to be done by his or their Servant or Servants, Child or Children, either by Land or by Water, (works of Necessity and Charity only excepted) or use, or suffer to be used any Sports, Game, Play, or Pastime, on the Lord's Day, or any part thereof; upon pain that every Person or Persons, so offending, in any of the particulars before-

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before-mentioned, upon Conviction thereof, upon the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace of this Province, or upon view of any Justice of the Peace, for every such Offence shall forfeit and pay the Sum of *Ten Shillings*.

And be it further enacted by the Authority aforesaid, That no Tavern-keeper, Retailer of Spirituous Liquors, Vintner, or other Person, keeping a Publick-house of Entertainment within this Province, (shall for the future, on any pretence whatsoever, entertain or suffer any of the Inhabitants or Town-dwellers of Halifax, or any of the Towns respectively where such Tavern-keepers, Retailers of Spirituous Liquors, Vintners, or other Persons keeping Publick-houses of Entertainment respectively dwell, or others not being Strangers or Lodgers in such Houses, or such as come thither for necessary Dieting and Victualling only, to abide or remain in their Dwelling-houses, Out-houses or Yards, drinking, or idly spending their Time on the Lord's Day; but shall keep their Doors shut during the Time of Divine Service, on penalty of forfeiting and paying the Sum of Ten Shillings, for every Person and Persons respectively so found drinking or abiding in such Publick-houses or dependencies thereof as aforesaid; and every such Person and Persons who shall be found so drinking or abiding in any such Publick-house or dependencies thereof as aforesaid, shall respectively forfeit and pay the Sum of Five Shillings.

And be it further enacted, That the Church-Wardens, when any shall be appointed, and the Constables, or anyone or more of them, shall once in the Forenoon, and once in the Afternoon, in the Time of Divine Service, walk through the Town, to observe, suppress, and apprehend, all Offenders whatsoever contrary to the true intent and meaning of this Act: And they are hereby Authorized and Impowered, to enter into any Publick-house of Entertainment, to search for any such Offenders, and in case they are denied Entrance, they are hereby impowered to break open, or cause to be broke open, any of the Doors of the said House, and enter therein; and all Persons whatsoever are strictly required and Commanded to be aiding and assisting to any Constables or other Officers, in their execution of this Act, on the penalty of Ten Shillings, current Money, for every Neglect.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, being of the Age of Twelve Years or upwards, being able of Body, and not otherwise necessarily prevented by real Sickness, or other unavoidable Necessity, shall, for the space of Three Months together, absent himself or herself, from the publick Worship on the Lord's Day, upon Complaint thereof being made to any one of His Majesty's Justices of the Peace, such Justice is hereby required to grant a Warrant, under his Hand and Seal, to apprehend such Offender or Offenders, and to require sufficient Sureties for the Personal appearance of such Offender or Offenders at the next General Court of Sessions, then and there to answer such Complaint, and upon Conviction thereof, the Justices of the said Court of Sessions may impose a fine of Five Shillings, and upon refusal

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or neglect of payment thereof, to levy the same by Warrant of distress, upon the Offenders Goods, or Chattle's. And all Ministers, Masters and Governors of Families, are hereby strictly required to use their utmost endeavours, that their Wives, Children, Servants, and others under their immediate Government, do not Transgress any of the particulars in this Act mentioned.

All Fines and Penalties incurred by this Act, are to be to the use of the Poor of the Town where such Offence is committed: And the Justice and Justices before whom any Person or Persons shall be Convicted of offending against this Act, are required to make a Record thereof, in a Book to be kept by him or them.

Provided That no Persons shall be prosecuted for any Offence before-mentioned, unless they be prosecuted for the same within Ten Days after the Offence committed.

And be it further enacted, That every Justice of the Peace shall have full Power and Authority, either upon his own view, or other legal Conviction, of any Offender or Offenders against this Act or any part thereof, to levy the Penalties herein before respectively mentioned, in case the same shall not, upon such Conviction, be paid by the Offender or Offenders, by distress of Sale of the Offender or Offender's Goods and Chattels with Costs; and in default of distress, to commit such Offender or Offenders to the common Goal of the County, there to remain in close Confinement for a Time, not exceeding Forty eight Hours, nor less than Twenty four Hours.

Be it further enacted, That this Act shall be publicly read, four Times in every Year, Viz, at the opening of every Court of General Sessions of the Peace, immediately after the Grand Jury are sworn; And also twice every Year, Viz, on every first Sunday of December, and on every first Sunday in June, in all publick Places of Worship within this Province immediately after Divine Service.

This Act to be in Force for the space of Two Years from the Publication hereof.

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An A C T directing the Proceedings against forcible Entry or Detainer.

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*E*t it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That upon complaint on Oath, made to any Justice of the Peace of this Province, of any wrongful and forcible Entry made into any Houses, Lands, Tenements, or other Possessions, lying within any Town or Place in this Province, where such Justice resides, or if any wrongful Detainer, or with holding with Force after Possession demanded, of any Houses, Lands, Tenements, or other Possessions, every such Justice, shall, by Warrant under his Hand and Seal, directed to the Constables of such Town, cause such Offender or Offenders to be arrested and detained in Custody, until he, she, or they, find sufficient securities for his, her or their Personal appearance, at the next General Sessions of the Peace, there to answer such Complaint, and for want of such security, to be committed to Prison.

And be it further enacted, That the Justices of the said General Court of Sessions, shall have full Power and Authority, by virtue of this Act to enquire by the Oath of the Party grieved, and other credible Proof, as well of him, her, or them as make such forcible Entry into Houses, Lands, Tenements or other Possessions, as of him, her, or them, as detain and hold the same with force as aforesaid: And if it shall be found by the Jury, then and there returned and Sworn, that a forcible Entry is made into any Houses, Lands, Tenements or Possessions, or that the same are detained and held with force as aforesaid, then the said Justices, by Warrant under the Hand of the Clerk of the said Court, directed to the Sheriff, Marshal or his Deputy, shall cause the same Houses, Lands, Tenements or other Possessions, within fourteen Days after such Trial had, to be re-seized, and thereof the Party to be again put into Possession, who in such fort was put out or holden out, wherein no Appeal shall be allowed to such Offender or Offenders. And moreover the Party grieved shall and may by Action of Trespafs, recover treble Damages and Costs of suit against such Offender or Offenders, any Law, Usage or Custom to the contrary notwithstanding.

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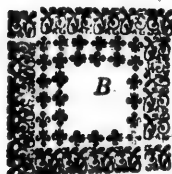
Provided always, That this Act shall not extend or be construed to extend unto any Person or Persons, that have had the Occupation, or have been in quiet Possession of any Lands, Tenements or Possessions, by the space of *three* whole Years together next before, and his, her, or their Estate or Estates therein not ended or determined.

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An A C T to prohibit the Erecting of Distilling-houses, or setting up Stills within the Town of *Halifax*, or within one Quarter of a Mile of the present Lines or Pickets of the said Town.



Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Publication hereof, no Person or Persons whatsoever, shall erect any Distilling-houses, or set up any Stills for distilling of Cordial Waters, or any Spirituous Liquors, within the Town of *Halifax*, or within one Quarter of a Mile of the present Lines or Pickets of said Town; on pain of forfeiting the Sum of *One hundred Pounds*, for every Still so set up, and Distilling-house so erected; to be recovered by Bill, Complaint, or Information in any of His Majesty's Courts of Record within this Province; one fourth part to the Informer or Prosecutor, the remainder to the Uses of the Government; and the said Stills shall be deemed and adjudged to be a publick Nuisance, and shall be accordingly removed.

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An ACT for the granting to His Majesty, an
Excise upon *Wine, Rum, and other distilled
Spirituos Liquors* sold by retail.

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And.  **W** H E R E A S by an Act of the Governor, Council, and Assembly, intituled, An Act for the granting Bounties and Premiums, on the fencing and improving Lands, raising Grain, Roots, Hay, Hemp, Flax, and catching and curing Fish, certain Bounties and Premiums are thereby promised for the encouragement of Labour and Industry; In order therefore to render the Fund for the payment of the same more effectual, *We do hereby grant unto His most Excellent Majesty, His Heirs and Successors, an Excise upon Wine, Rum, and other distilled Spirituous Liquors, sold by retail.*

And be it accordingly enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the fifth Day of December, one Thousand seven Hundred and Fifty eight, for the Term of two Years, every Person, licenced for retailing *Wine, Rum, and other distilled Spirituous Liquors*, shall pay the Duties following, (that is to say,) for all *Rum, Wine, or other distilled Spirituous Liquors* by them sold, mixt or unmixt, after the rate of *nine Pence* per Gallon,

And be it further enacted, that all Persons licenced to retail *Wine, Rum, or other distilled Spirituous Liquors*, shall deliver in Monthly, to such Person as shall be appointed by his Excellency the Governor to receive the same, a just Account, upon Oath, of the Quantity of *Wine, Rum and other distilled Spirituous Liquors* sold, during the Month then last past, by them or any Person or Persons under them or by their Order, sold and delivered, mixt or unmixt, and shall, at the same Time, pay to the Person appointed to receive the same, the Duty due thereon, which Oath such Person is hereby empowered to Administer in the following Words.

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YOU A. B. do swear that the Account now delivered in by you, contains a just and true Account of all the Wine, Rum, or other distilled Spirituous Liquors, that has been sold by you, or any Person or Persons, under you, or acting for you, or by your Orders, between the Day of _____ and the Day of _____ mixt or unmixt, to the best of your Knowledge and Remembrance.

So Help you GOD.

And be it further enacted, That the Collector to be appointed to take Charge of this Duty of Excise, shall have Power to inspect the Houses of all such as already are, or shall hereafter be Licenced, to take an Account from Time to Time, at his Discretion, of all Wine, Rum, or other distilled Spirituous Liquors, in the Possession of such licenced Person or Persons, in order the better to ascertain the Justice of their Monthly Accounts. And the said Collectors are hereby also impowered to enter the Houses of all Persons suspected of selling without Licence, for the better discovery of any Sale by Retail without Licence, that the Offenders may be prosecuted and punished according to Law.

And be it further enacted, That such Collector or Collectors, shall for the faithful Execution of his Office and of this Act, before the Treasurer of this Province, if at Halifax, and if at any other distant Place, before the commanding Officer at such Place, take the following Oath; which Oath they are hereby respectively impowered to Administer.

YOU A. B. do swear that you will diligently and faithfully discharge the Office of Collector of Excise, according to the Tenor of an Act intituled, An Act for granting unto His Majesty an Excise upon Wine, Rum, and other distilled Spirits sold by Retail.

So Help you GOD.

And that said Collector or Collectors shall, by virtue of the above Oath, exhibit to the Treasurer an Account of all Monies by him or them received, distinguishing the Names of the Persons from whom he, or they, collected the respective Duties as aforesaid. And all such Collector or Collectors, so appointed, shall pay into the publick Treasury of this Province, all such Sum or Sums of Money as they shall respectively receive, arising from the aforesaid Duties, within thirty Days after the end of the first Quarter, which is to commence from the said fifth Day of December next; and so from Time to Time every three Months, as long as they shall continue in said Office. And that each Collector before he enters into the said Office, shall give Bond with sufficient security in the penal Sum of three Hundred Pounds, to be paid to His Majesty or his Successors, unless he shall faithfully discharge his Duty, and duly pay in or remit the Money that he shall collect, to the Treasurer of the Province for the Time being, before it shall be lawful for any Collector to exercise his said Office, and the said Treasurer shall put in two, the Bonds of all such Collectors who neglect to make due payment every three Months.

And be it further enacted, That it shall be lawful for such Collectors to make an Allowance of *Ten per Cent*, for Leakage and Wastage of all Rum, Wine, or other distilled Spirituous Liquors, to any Tavern-keeper, common Victualer and Retailer.

And whereas, it has been thought necessary by His Majesty's Governors and Council of this Province, by several Resolutions or Acts before the calling a General Assembly, to lay a Duty of six Pence per Gallon on all Rum and other distilled Spirituous Liquors sold by retail within the Province, which Duty enabled them to grant Bounties and Premiums, from Time to Time, for clearing and fencing of Lands, catching and curing of Cod-fish, and other necessary encouragements to Labour and Industry, Be it therefore enacted, That all Proceedings by virtue of the said Resolutions or Acts, shall be, and are hereby ratified and confirmed: And all and every Person or Persons who now are, or on the *fifth Day of December* next aforesaid, may be indebted or in Arrear by virtue of the said Resolutions or Acts, shall forthwith Account with and pay to the Collectors respectively, all such Arrears; and in default thereof, the several Bonds entered into by them and their Sureties respectively as a security for the payment of the said Duty, shall and are hereby declared to be forfeited, and the same shall be put in suit against them or their Sureties accordingly.



An ACT for the Establishment of Religious Publick Worship in this Province, and for suppressing of Popery.

FORASMUCH as His Majesty upon the Settlement of the Province, was pleased, in his Pious concern for the Advancement of GOD's Glory, and the more decent Celebration of the Divine Ordinances amongst us, to erect a Church for Religious Worship, according to the usage of the Church of England; In humble Imitation of His Royal example, and for the more effectual attainment of His Majesty's Pious intentions, that we might in the exercise of Religious Duties, be seeking for the Divine Favour and Protection, Be it therefore enacted by his Excellency the Governor, Council, and Assembly, That the Sacred Rites and Ceremonies of Divine Worship, according to the Liturgy of the Church established by the Laws of England, shall be deemed the fixed Form of Worship amongst us, and the Place wherein such Liturgy shall be used, shall be respected and known by the Name of the Church of England as by Law established: And that for the preservation of Purity and Unity of Doctrine and Discipline in the Church,

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and the right Administration of the Sacraments, no Minister shall be admitted to officiate as a Minister of the *Church of England*, but such as shall produce to the Governor, a Testimonial, that he hath been licenced by the *Bishop of London*, and shall publicly declare his Assent and Consent to the Book of *Common Prayer*, and shall subscribe to be conformable to the Orders and Constitutions of the *Church of England*, and the Laws there established; upon which the Governor is hereby requested to induct the said Minister into any Parish that shall make Presentation of him. And if any other Person pretending himself a Minister of the *Church of England*, shall, contrary to this Act, presume to teach or preach publicly or privately, the Governor and Council are hereby defined and empowered to suspend and silence the Person so offending,

Provided nevertheless, and it is the true Intent and meaning of this Act, That Protestants, dissenting from the *Church of England*, whether they be *Calvinists*, *Lutherans*, *Quakers*, or under what Denomination soever, shall have free liberty of Conscience, and may erect and build Meeting-houses for publick Worship, and may choose and elect Ministers for the carrying on Divine Service and Administration of the Sacraments, according to their several Opinions; and all Contracts made between their Ministers and their Congregations for the support of the Ministry, are hereby declared Valid, and shall have their full Force and Effect, according to the Tenor and Conditions thereof; and all such Dissenters shall be excused from any Rates or Taxes to be made and levied for the Support of the Established *Church of England*.

And be it further enacted, That every *Popish* Person, exercising any Ecclesiastical Jurisdiction, and every *Popish Priest* or Person exercising the Function of a *Popish Priest*, shall depart out of this Province on or before the *Twenty fifth Day of March*, 1759. And if any such Person or Persons shall be found in this Province after the said Day, he or they shall, upon Conviction, be adjudged to suffer perpetual Imprisonment; and if any Person or Persons so Imprisoned, shall escape out of Prison, he or they shall be deemed and adjudged to be guilty of *Felony* without Benefit of Clergy.

And be it further enacted, That any Persons, who shall knowingly harbour, relieve, conceal, or entertain any such Clergyman of the *Popish Religion*, or *Popish Priest*, or Persons exercising the Function of a *Popish Priest*, shall forfeit *fifty Pounds*, one Moiety to His Majesty for the support of His Government in this Province, and the other Moiety to the Informer, and shall be also adjudged to be set in the Pillory, and to find Sureties for his good Behaviour at the Discretion of the Court.

And be it enacted, That every Offence against this Act, shall and may be inquired of, heard and determined, at His Majesty's *Supreme Court*, *Court of Assize*, and *General Goal Delivery*, or by a special Commission of *Oyer and Terminer*.

And be it further enacted, That it shall and may be lawful for any Justice of the Peace, upon Information by Oath, or any reasonable Cause of Suspicion, to issue his Warrant for apprehending any such *Popish Ecclesiastical*

ecclesiastical Person, Popish Priest, or Person exercising the Function of a Popish Priest, or any Persons knowingly harbouring, relieving, concealing or entertaining, them or any of them, and to commit any such Person or Persons respectively, who shall so offend against this Act, to His Majesty's Goal, for Trial as aforesaid, and to require Sureties for the Appearance of the Witness or Witnesses, against any Offender or Offenders, upon such Trial; and to make Return of his Proceedings to such Court on the Information of such Witnesses, and the Examination of any Offender or Offenders.

Provided nevertheless, That this Act shall not extend, or be construed to extend to any such Romish Ecclesiastical Persons, who shall be sent into the Province as Prisoners of War, or who shall by Shipwreck or any other Distress or Necessity, be driven into the Province, so as that such Prisoners of War do not escape before they can be sent out of the Province, or that such Persons arriving through Necessity as aforesaid, depart out of the Province as soon as there may be Opportunity, and that they also forthwith after their arrival, attend the Governor or Commander in chief of the Province for the Time being, if near the Place of his Residence, or otherwise a Justice of the Peace, and represent the Necessity of their Arrival, and obey such Directions as the said Governor, Commander in chief, or Justice shall give them for their Departure, and so as that neither the said Prisoners of War, nor the said Persons arriving through such Necessity, shall exercise any Ecclesiastical Jurisdiction, or any part of the Function of a Popish Priest, during his or their Abode in the Province, in which Case he or they shall be liable to the Penalties of this Act.

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An ACT for Establishing and Regulating a *MILITIA.*



W H E R E A S by His Majesty's Royal Instructions to his Excellency the Governor of this Province, he is directed to cause a Militia to be established as soon as possible: AND WHEREAS the Security and Preservation of this Province greatly depends upon the said Militia being put into Methods, and under such Rules as may make the same most useful for the Support and Defence thereof, and that the Inhabitants should be well armed and trained up in the Art Military, as well for the Honour and Service of His most Sacred Majesty, and the Security of this His Province, against any Violence or Invasion whatsoever, as for the Preservation of their own Lives and Fortunes, and that every Person may know his Duty herein, and be obliged to perform the same:

Cap. 12
Amended

B E it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the first Day of December, 1758. All Male Persons, Planters, and Inhabitants and their Servants, between the Ages of Sixteen and Sixty, residing in and belonging to this Province, shall bear Arms and duly attend all Musters and Military Exercises of their respective Companies where they shall be enlisted or belong, allowing three Months Time to every Son after coming to sixteen Years of Age, and every Servant so long after his Time is out, to provide themselves with Arms and Ammunition.

And the Clerk of each Company, once a Quarter Yearly, shall take an exact List of all Persons living within the Precincts of such Company, and present the same to the Captain or chief Officer, on pain of forfeiting Forty Shillings for each Default, to be paid to the Captain or chief Officer to the Use of the Company, and in Case of Non-payment to be levied by Distress and Sale of the Offenders Goods, by Virtue of a Warrant from the Captain or chief Officer, who is hereby empowered to grant the same.

That every Person enlisted in any Company, shall so continue and attend all Duty in such Company, or otherwise suffer the Penalty by Law provided, until orderly dismissed or removed out of the Town or Precinct of such Company, and in Case of Removal into the precinct of another Company in the same Town, to produce a Certificate under the Hand of the Captain or chief Officer of the Precinct whereunto he is removed, that he is enlisted there

If any Person liable to be inlisted as aforesaid, do exempt himself by shifting from House to House or Place to Place, to avoid being inlisted, he shall pay as a Fine for every such Offence, to the Use of the Company to which he properly belongs, *Ten Shillings*, being thereof convicted before any one of His Majesty's Justices of the Peace for the County wherein the Offence shall be committed.

That every Militia inlisted Soldier and other Householder residing as aforesaid, shall be always provided with proper and sufficient Fire Arms, consisting of a Musket, Gun, or Fuzil, not less than *three Feet* long in the Barrel, two spare Flints, and Twelve Charges of Powder and Ball suitable to their respective Fire Arms, and to the Satisfaction of the Commission Officers of the Company to which he belongs, on Penalty of *Forty Shillings* for want of such Arms as is hereby required, and *two Shillings* for each other defective Appurtenant, and the like Sum for every *Four Weeks* he shall so remain unprovided or deficient: The Fine to be paid by Parents for their Sons under Age and under their Command, and by Masters or Heads of Families for their Domesticks or Servants, other than Servants upon Wages; to be levied on the Goods and Chattels of the Offender or Offenders, their Parents or Masters, by Warrant under the Hand and Seal of one or more of His Majesty's Justices of the Peace for the County wherein the Offence shall be committed, and for want of sufficient Distress, such Offender or Offenders to suffer *one Month* Imprisonment and hard Labour.

That Regimental Musters shall be made once in every *Six Months*, or as often as shall be required by the Governor or Commander in Chief of this Province for the Time being, and every Captain or Chief Officer of any Company or Regiment, shall be obliged, on Penalty of *Five Pounds*, to draw forth his Company, or cause them to be drawn forth once every *Three Months* and no more, to exercise them in Motions, the Use of Arms, and Shooting at Marks, or other Military Exercises, which every Person liable to be trained, having *three Days* Notice thereof, and not appearing and attending the same, shall, for each Day's Neglect, pay a Fine of *Five Shillings*.

That the Commission Officers of any Company, or the major Part of them, may order the correcting and punishing Disorders and Contempt on a Training Day, or on a Watch; the Punishment not being greater than Commitment to hard Labour, not exceeding *Forty Eight Hours*, or *Five Shillings* Fine.

That there be *Military Watches* appointed and kept at such Times, in such Places, in such Numbers, and under such Regulations, as the Governor or Commander in Chief of this Province for the Time being shall appoint; and that all Persons able of Body, and that are of Age, shall by themselves, or some proper Person in their Stead, to the Satisfaction of the Commanding Officer of the Watch, attend the same, on Penalty of *Ten Shillings* for each Defect, there having been due Warning given.

Every

Every Militia Soldier or other Person liable by Law, refusing or neglecting to attend Military Exercises on Training Days, or Military Watches, that shall not pay or have any Estate to be found whereon to levy the Fine, it shall be in the Power of the Captain or chief Officers of such Company, on the next Training Day after such Neglect, (he not having satisfied the Clerk) to punish him for such Offence by Commitment to hard Labour, not exceeding *Five Days*; and if such a Delinquent shall absent himself the *Second Day*, without giving sufficient Reason to the Captain or chief Officer for such Absence, it shall be in the Power of the chief Officer of the Company to direct a Warrant to any of the Constables of the Town wherein the said Offence shall be committed, requiring him to apprehend such Delinquent, and bring him into the Field, that he may be punished as by this Law is provided; and all Constables are hereby required to execute such Warrants accordingly.

That the Persons hereafter named be exempted from all Trainings, exercises, as shall receive Commissions in the Militia, viz. The Members of His Majesty's Council, the Members of the Assembly for the Time being, the chief Justice, and other Judges of Courts, Justices of the Peace, Attorney General, Treasurer of the Province, Register of the Province, chief Surveyor of Lands, Naval-Officer, and his Deputy or Clerk, the Secretary, Ministers, Provost-Marshal, Field Officers, the Collector and Surveyor of His Majesty's Customs, and the Waiter, constant Ferry-Men, one Miller to each Grist-Mill, constant Herdsmen, and Lame Persons or otherwise disabled in Body, producing a Certificate thereof from two able Chirurgeons.

That the Members of His Majesty's Council be, and hereby are exempted from Military Watches and Warding.

That the Captain and Commission Officers of each Company, shall and hereby are fully empowered to nominate and appoint proper Persons to serve as *Serjeants* and *Corporals* in their respective Companies, and to displace them and appoint others in their Room, as they shall see Occasion.

That twice every Year, or oftner if required, every Captain or chief Officer of each Company, shall give Order for a diligent Enquiry into the State of his Company, and for taking an exact List of the Names of his Soldiers, and other Inhabitants within the Limits of his Company, and of the Defects of Arms or otherwise, and Names of the defective Persons, that they may be prosecuted as the Law hath provided, and that such Care may be taken as is proper to remedy the same.

That if any Person who is by Law obliged to provide Arms and Ammunition, cannot purchase the same by such Means as he hath, if he bring to the Clerk of the Company the full value thereof, according to the Appraisement of the Clerk and two other Persons mutually chosen, he thereupon shall be excused from the Penalties for want of Arms and Ammunition, until he can be provided, which the said Clerk shall provide as soon as may be, by Sale of such Goods, and render the Overplus, if any be; but the Party shall notwithstanding give his personal Attendance upon all Occasions.

Occasions as other Militia Soldiers until he be supplied, and at such Times shall perform any proper Service he may be put upon by the Captain or chief Officer of the Company he belongs to: But if the Person be adjudged unable to buy Arms, or to lay down the Value proposed, if he be a single Man, he shall be put out to Service by any two of His Majesty's Justices of the Peace, to earn wherewith to buy Arms and Ammunition.

That such proper Person as by the Commission Officers of any Company shall be appointed Clerk, and shall refuse to serve, shall pay *Forty Shillings* Fine, and another be chosen in his Room, and so until one do accept; which Person shall be under Oath for the faithful Discharge of his Office, to be administered unto him by a Justice of the Peace of the County, in the Words following.

YOU do swear truly to perform the Office of Clerk of the Military Company under the Command of A B Captain, to the utmost of your Skill and Power, in all Things appertaining to your Office according to Law.

So help you GOD.

And for every Distraint made for any Fine not exceeding *Forty Shillings*, he shall have one Quarter Part for his Pains and Trouble, and for such Fines he may distraint *ex officio*, and in such Distrets shall observe such Rules as the Law hath provided in other Cases; and upon *Ten Days* Notice shall account with, and pay the Captain or chief Officer what Fines he hath received, his own Part being deducted.

The chief Military Officer of the Regiment, as often as he shall see cause, shall require the Captain or chief Officer of each Company in his Regiment, to meet at such Time and Place as he shall appoint, and there with them to confer and give in charge such Orders as shall by them, or the major Part of them, be judged meet for the better ordering and settling their several Companies, and for the better promoting Military Discipline amongst them; and the chief Officer is hereby impowered by his Warrant directed to any Clerk or Officer of his Regiment, to summon or cause to be brought before them any Offender against this Act, and according to Law to hear and determine all Matters proper for their Cognizance, and to give Sentence, and to grant Mittimus or Warrants of Distrets to the Clerk of the Company where the Offence is committed; for executing which Warrant, if above *Forty Shillings* he shall have *Ten Shillings* out of the same for his Pains and Trouble therein, and no more.

That no Clerk *ex officio* make Distraint for any Fine until *six Days* after the Offence committed, that so the Party may have Opportunity to make Excuse, if any he hath, why he should not pay the Fine, and every Clerk that neglect or refuses to account or make Payment as by this Law is provided, he, by a Warrant from the chief Officer of the Company, directed to the Constable, may be distrained on for so much as he hath or should have collected or distrained for.

That

That all Officers yield Obedience to the Warrants or Commands of their superior Officers, on Penalty of *Five Pounds*, to be heard and determined at the next Meeting of the chief Officers and Captains of the Regiment, and the Fine to be taken by Distress and Sale of the Offender's Goods, (returning the Overplus if any be) by Warrant from the chief Officer of the Regiment, directed to the Clerk of the Company to which such Offender belongs, and to be applied to the Use and Benefit of such Company as the Officers so met shall agree, their Expences being first defrayed out of the same, not exceeding *Twenty Shillings*.

That an Alarm at the Citadel in the Town of *Halifax*, being made upon such Causes as are agreeable to Instructions to be given by the Governor or Commander in chief for the Time being, to the Officer commanding at the said Citadel, shall be by firing a Beacon at the Summit of the Citadel Hill, or such other Place as the Governor or Commander in chief for the Time being shall hereafter appoint, and by firing four Guns at the Parade in the said Town of *Halifax*, or at such other Place as the Governor or Commander in chief for the Time being shall appoint, distinctly one after the other, and also by firing four Guns at *Georges Island*, distinctly one after the other, and at the Distance of *Five Minutes* after the Firing the Four first mentioned Guns at the Parade, or such other Place as aforesaid, all Persons being called up to Arm, upon which all the trained Officers, Soldiers, and others capable to bear Arms, that are then resident in the said Town, Suburbs, or Peninsula of *Halifax*, in case the Alarm should be made, shall forthwith appear complete with their Arms and Ammunition according to Law, at such Place or Places of Rendezvous as may from Time to Time be appointed by the Governor or Commander in chief for the Time being, there to attend such Commands as shall be given for His Majesty's Service, and That, on the Penalty of *Five Pounds*, or *Three Months Imprisonment*. The Members of His Majesty's Council, Justices, and Provost-Marshal to attend upon his Excellency the Governor, if at *Halifax*, and in other Places to appear and advise with the chief Military Officers of the Place where such Alarm shall be made, and to be assisting in His Majesty's Service according to their Quality. And if any Person shall wilfully make any false Alarm, he shall be fined to His Majesty *Fifty Pounds*, for Support of the Government, or suffer *Twelve Months Imprisonment*. And all Alarms in other Parts of the Province, to be according to Instructions given by the Governor or Commander in chief for the Time being, to the Officers Commanding there.

And for the better preventing of false Alarms, *Be it further enacted by the Authority aforesaid*, That no Captain, Master or Commander of any Ship or Vessel, riding at Anchor or being within the Harbour of *Chebuoke*, or any other Person or Persons whatsoever, either afloat or on shore, within the Town, Suburbs, or Peninsula of *Halifax*, the Town or Suburbs of *Dartmouth*, or Places adjacent, shall presume to fire any Guns or small Arms, or beat any Drum, after Sunset, unless on some lawful Occasion, under the Penalty of *Forty Shillings* for every Gun or small Arm so fired or Drum beaten, to be levied by Warrant from any one of His Majesty's Justices of the Peace for the County of *Halifax*, (who is hereby empowered to issue the same and to give Judgment thereupon) by Distress and Sale of the Offender's Goods, and for want of such Distress, to commit such Offender to the Goal, there to remain until Payment be made of the same.

Provided

Provided always, That this Clause shall in no wise be construed to extend to any Captain or other Officer of any of His Majesty's Ships of War for their firing at setting the Watch, nor to any of His Majesty's Troops on Shore or on Board, in the Execution of their Duty.

That all Persons exempted by this Law from Training, shall, notwithstanding, be provided with Arms and Ammunition compleat, upon the same Penalty as those that are obliged to Train.

Provided, That no Person or Persons whatsoever shall be sued, prosecuted, or his Goods and Chattels liable to any Seizure by Virtue of any Clause in this Act before-mentioned, but within the Space of *Three Months* after the committing the respective Facts hereby made Offences, and not at any Time after the said *Three Months*.

All Fines, Penalties, and Forfeitures arising by Virtue of this Act or any Breach thereof, (not otherwise disposed of therein) shall be for the Use of the Regiment or Company respectively wherein the same doth arise, (*that is to say,*) for the procuring and repairing Drums, Colours, Banners, Halberts, pay of Drummers, or other Charge of the said Company, and the Overplus, (if any be) to be laid out in Arms and Ammunition for a Town Stock: and be recoverable by Action, Bill, Complaint, or Information in any of His Majesty's Courts of Record.

And it is hereby humbly requested of his Excellency the *Captain General*, by the Assembly, *And be it enacted,* That whilst there is a sufficient Number of regular Troops within the Town of *Halifax*, for its Defence, the *Militia* of the Town shall be spared from Watching and Warding without the Picketted Lines of the Town.

An

An ACT for Establishing the Rate of *Spanish Dollars*, and the *Interest* of Money within this Province.

Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the first Day of January, which shall be in the Year of our Lord One Thousand seven Hundred and Fifty nine, all Spanish Dollars, (that is to say) Seville, Pillar, and Mexico Pieces of Eight, Weighing seventeen Penny half Penny Weight, shall be a Tender at Five Shillings, in payment of all Debts and Contracts that have been, or shall, after the said first Day of January, be made within this Province, where there shall be no special Agreement to the contrary.

And be it further enacted, That in any Debt or Contracts, whereon Interest arises, and may, by Law, be demanded and recovered, No greater Sum than Six Pounds by the Hundred for the Year, and so in proportion for a less Sum, shall be allowed in any Court of Law or Equity; and all Contracts, Mortgages, Bonds, and Securities, for any higher Interest, shall be Null and Void.

Provided That nothing in this Act, shall extend to Maritime Contracts among Merchants, as Bottomry or Course of Exchange.

An ACT for erecting a *Lighthouse* at the Entrance of the Harbour of *Halifax*.

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That a Publick *Lighthouse* of Stone Masonry shall, with all convenient Expedition, be erected on the *Island* commonly called, and known by the Name of *Sam-brough Outer-Island*, at the Entrance of the Harbour of *Halifax*, of such Dimensions, as shall be agreed on and directed by the Commissioners hereinafter appointed; and that a *Dwelling-House* for the Keeper or Tender of such Publick *Lighthouse*, shall be also erected according to the Directions of the said Commissioners.

And for the erecting of such *Lighthouse*, and *Dwelling-house*, it is hereby requested of His Excellency the Governor, And it is further enacted, That the Sum of *One Thousand Pounds* be appropriated out of the Money, now in the Treasury, collected from the Duties on Spirituous Liquors.

And be it further enacted, That until such *Lighthouse* be erected, the said Commissioners be impowered, out of the said *One Thousand Pounds*, to cause a *Light* and *Beacon* to be erected on the said *Island*, as they shall judge convenient, for the use of Vessels coming into the said Harbour.

And for the better carrying this Act into Execution, Be it further enacted, That the Honourable Benjamin Green, John Collier, Charles Morris, and Robert Sanders Esquires, and Joseph Gerrish, Malachy Salter, and Henry Newton Esquires, Be and are hereby appointed Commissioners for contracting for the Materials, and Workmanship, and for the Direction of the said Buildings

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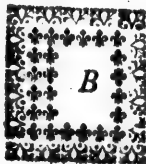
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An A C T for erecting a *House of Correction* or
Workhouse, within the Town of *Halifax*.



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Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That a *House of Correction* or *Workhouse* of *Stone Masonry*, shall be erected within the Town of *Halifax*, of the following Dimensions, (*that is to say*) That the said Building be *sixty Feet* in length, and *twenty five Feet* in breadth, on the inside, and *twelve Feet* in height, and finished in such manner, as the *Commissioners* hereinafter appointed, shall direct.

Cap. 15
Enacted

And for the erecting of such *House of Correction*, or *Work house*, it is hereby requested of his Excellency the Governor, And it is further enacted, That the Sum of *five Hundred Pounds* be appropriated out of the Money, now in the Treasury, Collected from the Duties on *Spirituous Liquors*.

And for the better carrying this Act into Execution, Be it further enacted, That the Honourable *Benjamin Green*, *John Collier*, *Charles Morris*, and *Robert Sanderson Esquires*, and *Joseph Gerrish*, *Malachy Salter*, and *Henry Newton Esquires*, Be and are hereby appointed *Commissioners* for Contracting for the Materials and Workmanship, and for the Direction of the said Building.

An

An A C T to prevent *forestalling the Market.*

16.

Amal Act
Sec. 3.

HEREAS large Quantities of live Stock, fresh Provision, and other Articles are imported into this Province for Sale from the neighbouring Colonies, and divers Persons make a Practice of engrassing the same immediately upon the Arrival thereof, to the great prejudice of the Inhabitants;

Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That all Kinds of live Stock, (Oxen and Sheep excepted) all dead fresh Provision, Grain, Hay, Roots, or Garden Stuff, which shall be Imported for Sale into any Port of this Province, after the Publication hereof, shall by the Importers thereof, be brought to some Publick Wharf, and there openly exposed to Sale, for forty eight Hours; and public Notice shall be given thereof through the Town or Place where the same shall be so Imported, by the Common Cryer: And no such live Stock, or dead fresh Provision whatsoever, Grain, Hay, Roots, or Garden Stuff, shall during the said forty eight Hours, be sold, or contracted for in Gross, to or with any Person or Persons whatsoever, on Penalty of the Forfeiture of the Article or Articles so sold or bought, or contracted for, or the Value thereof, upon Conviction by the Oath of one Credible Witness before any two of His Majesty's Justices of the Peace, to be levied by Warrant of Distress, under the Hands and Seals of the said Justices; One Half of such Forfeitures to be to the Use of the Informer, and the other Half to the Use of the Poor of the Place where such Forfeiture shall be incurred.

Provided always, That nothing in this Act shall be construed to extend to the Importation of Flour of all Kinds, Biscuit-Bread, or Fish.

Provided also, That in Case any dead fresh Provision shall, at any Time be imported, which by the length of the Passage, or other Accident, shall be perishing, or in a decaying Condition, That then, upon application of the Importer to Two of His Majesty's Justices of the Peace, setting forth upon Oath, such the Condition of the Provision so Imported, such Justices may, and they are hereby impowered, under their Hands and Seals, to Grant permission to such Importer, immediately to Sell and dispose of such Provision in the speediest manner, any thing in this Act contained to the contrary notwithstanding.

And be it further enacted, That all Prosecutions under this Act, shall be within ten Days after the Offence committed.

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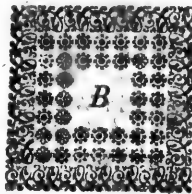
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An ACT for granting and establishing an Al-
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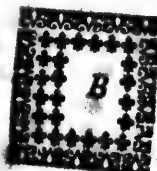
BE it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That, out of the Money arising from the Duties on Impost and Excise, His Excellency the Governor or Commander in chief of the Province for the Time being, shall be and is hereby impowered, to grant and allow unto any Collector or Collectors of such Duties on the Impost and Excise, who may be, from Time to Time, appointed by such Governor or Commander in Chief, for all the Expence, Charges and Trouble of such Collector, or Collectors, and of any Officers to be by such Collectors appointed, for assisting such Collectors, any Sum not exceeding Ten Pounds for each Hundred Pounds that may be collected of such Impost and Excise Duties; and that the said Grant and Allowance of Ten Pounds in the Hundred, shall be full of all Claims, Expences, Charges and Demands whatsoever, for or on Account of Collecting such Impost and Excise Duties as aforesaid.

Provided that before such Collector of Impost shall enter upon his said Office, he shall give such Security and take the like Oath, as are directed for the Collector of Excise by an Act, intituled An Act for granting unto His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors sold by Retail.

And be it further enacted, That this Act shall continue and be in force for the space of Two Years.



An ACT relating to *Wills, Legacies, and Executors*, and for the Settlement and Distribution of the Estates of *Intestates*.



Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That every Person shall have Power to give and devise, by his or her last *Will and Testament* in Writing, and signed by the Party so giving and devising, or by some other Person in his presence, and by his express directions, and Attested and Subscribed, in the presence of the Deviser, for, by three or more credible Witnesses, any *Lands, Tenements, or Hereditaments*, whereof he or she shall, at the Time of his or her so giving or devising the same by such *Will*, be lawfully seized, either of a sole Estate in Fee simple, or of any Estate in Coparcenary, or in Common in Fee simple, in Possession, Reversion, or Remainder, as much as in him of Right is, to the said *Lands, Tenements, and Hereditaments*, or in like manner to devise any Rents or Profits out of the same at his pleasure. *Provided* that *Wills* made of any *Lands, Tenements or Hereditaments, or any Rents or Profits* out of the same, by any *Woman Covert*, or Person within the Age of Twenty One Years, *Idiot*, or of unsound Mind, shall not be good in Law.

And be it further enacted, That no Devise in Writing of any *Lands, Tenements or Hereditaments*, shall be revocable, otherwise than by some other *Will or Codicil* in Writing, or other Writing signed in the Presence of Three or more Witnesses, declaring the same, or by burning, cancelling, tearing or obliterating the same by the *Testator* himself, or in his Presence, and by his Directions and Consent.

And be it further enacted by the Authority aforesaid, That from and after the First Day of January, in the Year of Our Lord, One Thousand, seven Hundred, and Fifty nine, no *Nuncupative Will* shall be good, where the Estate thereby bequeathed, shall exceed the Value of Thirty Pounds, that is not proved by the Oath of Three Witnesses (at the least,) that were present at the making thereof, nor unless it be proved that the *Testator*, at the Time of pronouncing the same, did bid the Persons present, or some of them bear Witness, that such was his *Will*, or to that Effect; nor unless such *Nuncupative Will*, was made in the Time of the last Sickness of the Deceased, and in the House of his or their Habitation or Dwelling, or where he or she hath been resident, for the Term of Ten

Days

days or more, next before the making of such *Will*, except where such Person was surprized or taken Sick, being from his own House, and dyed before he returned to the Place of his or her Dwelling.

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And be it further enacted, That after Six Months past after the Speaking of the pretended *Testamentary Words*, no Testimony shall be received to prove any *Will Nuncupative*, except the said Testimony or the Substance thereof, be committed to Writing, within Six Days after making the said *Will*.

Council, and it is hereby to give and in Writing, or by some directions, the Devise, or Here- to giving or sole Estate, be simple, right is, to to devise that *Wills* or Profits, the Age of in Law.

And be it further enacted, That no Letters *Testamentary*, or *Probata* of any *Nuncupative Will*, shall pass the Seal of any Court, till Fourteen Days, at the least, after the Decease of the Testator be fully expired, nor shall any *Nuncupative Will* be received to be proved, unless Process have first issued to call in the Widow, or next of Kindred to the Deceased, to the End they may object the same. And all such Witnesses as ought to be allowed to be good Witnesses upon Trials at Law, shall be deemed good Witnesses to prove any *Nuncupative Will*, or any Thing relating thereunto.

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And be it further enacted, That no *Will* in Writing, concerning any *Personal Estate*, shall be repealed, nor shall any Clause, Devise, or Bequest therein, be altered or changed by Words or *Will*, by Word of Mouth only, except the same be, in the Life of the Testator, committed to Writing, and after the Writing thereof, read unto the Testator, and allowed by him, and proved to be so done, by Three Witnesses at the least. Provided nevertheless, That any Soldier, being in actual Military Service, or any Mariner or Seaman, being at Sea, may dispose of his *Movables, Wages, and Personal Estate*, as they might have done before the making this Act, and that nothing in this Act shall alter the Jurisdiction or Right of Probate of *Wills* concerning *Personal Estates* vested in the Governor, or Commander in Chief for the Time being, who shall retain the same Right and Power as they had before in every respect, subject nevertheless to the Rules and Directions of this Act.

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And be it further enacted by the Authority aforesaid, That if any Executor or Executors of the *Will* of any Person deceased, knowing of their being so named and appointed, shall not, within the Term of Thirty Days next after the Decease of the Testator, cause such *Will* to be proved, and recorded in the Registers Office, of the same County where the deceased Person last dwelt, or present the said *Will*, and declare his or their Refusal of the Executorship; every Executor so neglecting his or her Trust and Duty in that behalf, (without just Excuse made and accepted for such Delay) shall forfeit the Sum of five Pounds every Month, from and after the Expiration of the said Thirty Days, until he or they shall cause Probate of such *Will* to be made, or present the same as aforesaid: Every such Forfeiture to be had and recovered by Action of Debt, in the Inferior Court of Common Pleas, in the same County, at the Suit of any of the Heirs or Creditors, and for the Use of him or them that shall inform and sue for the same. And upon any such Refusal of the Executor or Executors the Judge shall grant Administration of the Estate of the Deceased, with the *Will* annexed.

annexed, unto the Widow or next of Kin to the Deceased, and upon their Refusal, to one or more of the Principal Creditors as he shall think fit.

And be it further enacted, That if any Person or Persons shall be found guilty of suppressing any *last Will and Testament*, such Person or Persons shall be subject and liable to the same Penalty, as by this Act is prescribed for Persons neglecting to prove any *last Will and Testament*.

And be it further enacted, That where any certain Legacy is or shall be bequeathed, and given by any Person in his or her *last Will and Testament*, as also where any residuary or uncertain Legacy is or shall, by the Account of any Executor, be reduced to a Certainty, every such Legacy and Legacies as aforesaid, may be sued for and recovered at the Common Law; any Law, Custom or Usage to the Contrary notwithstanding.

And be it further enacted, That henceforth every Executor named in any *Will*, taking upon him that Charge by proving such *Will*, within the Space of *three Months* next after Probate thereof, (or at such further and longer Time, as the Judge of Probate shall see meet to allow, the Circumstances of any Estate requiring the same) shall exhibit into the Registers Office, upon Oath, a full and true Inventory of the whole Estate of the Deceased, so far as is then come to his Hands and Knowledge; and shall add thereto what and so much as may further afterwards appear, on pain of forfeiting *Five Pounds* for every *Month's* Neglect thereof, afterward, as is by Law provided for not presenting a *Will*, and to be recovered in like Manner. Provided nevertheless, That in *Wills* where, after the Payment of Debts, and of any certain particular Legacy or Legacies, the Residue or Remainder of the Estate, is bequeathed generally to any one or more Persons, other than the Executors themselves; in every such Case, an Inventory of the Estate shall be presented upon Oath as aforesaid, and the Executors shall be liable to Account as Administrators are, by Law, obliged to do.

And any Executor being a residuary Legatee, may bring his Action of Account against his Co-Executor or Executors, of the Estate of the Testator, in their Hands, and may also sue for and recover his equal and rateable Part thereof. And any other residuary Legatee shall have like Remedy against the Executors.

And be it further enacted, That when and so often as it shall happen that any Person dies *Intestate*, upon Application of the Widow or next of Kin to the Judge of Probate, within *Thirty Days* after the Death of such *Intestate*, the said Judge of Probate shall grant *Letters of Administration* to such Widow or next of Kin. And in Case they neglect to apply within the said *Thirty Days*, upon first citing such Widow or next of Kin, and their Refusal to accept the same, such Judge of Probate shall grant Administration to such Person or Persons as he shall judge fit; and he shall thereupon take Bond with Sureties, in Manner as is directed by the Statute of the *Twenty Second and Twenty third* of Charles the Second; Chapter the tenth intitled *An Act for the better settling Intestates Estates*; and shall and may proceed to call such Administrators to Account for, and touching the

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Goods of the *Intestate*: And upon due Hearing and Consideration there-
of, (Debts funeral and just Expences of all Sorts being first allowed) the said
Judge shall, and hereby is fully empowered to order and make a just Di-
stribution of the *Surplusage*, or remaining Goods and Estate, as well *Real*
as *Personal*, in manner following, *That is to say*, One third Part of the
Personal Estate, to the Wife of the *Intestate* for ever, besides her Dower
in the *Houses* and *Lands* during Life, where such Wife shall not be other-
wise Endowed before Marriage; and the said *Judge*, having appointed *Guar-*
dians in Manner as hereafter may or shall be by Law prescribed for all
Minors, shall then, out of all the Residue of such *Real* and *Personal Estate*,
distribute *two* Shares or a *double Portion* to the *Eldest Son* then Surviving,
(where there is no Issue of the *First* born, or of any other *Elder Son*) and
the Remainder of such Residue equally to and amongst his other Child-
ren, and such as shall legally represent them; *Provided* that Children ad-
vanced by Settlement or Portions not equal to the others Shares, shall have
so much of the *Surplusage*, as shall make the Estate of all to be equal,
except the *Eldest Son* then Surviving, (where there is no Issue of the
First born, or of any other *Elder Son*) who shall have *two* Shares or a
double Portion of the whole.

And be it further enacted, That such Estate, wherewith such Child or
Children, have been advanced in the Lifetime of the *Intestate*, shall be
accounted for upon the Oath of such Child or Children, before such *Judge*
of *Probate of Wills*, and for granting *Letters of Administration*, or by other
Evidence to the Satisfaction of the *Judge*; and in Case of Refusal to Ac-
count upon Oath, such Child or Children, so refusing, shall be debarr'd of
any Share in the Estate of the *Intestate*.

And it is hereby enacted, That the Division of such *Lands* or *Tene-*
ments, shall be made by *five* sufficient Freeholders upon Oath, or any
three of them, to be, for that Purpose, appointed and sworn by the *Judge*.
Provided nevertheless, that if all the Parties interested in such *Lands* or
Tenements, being of lawfull Age shall, by *Deed*, agree to a Division, such
Agreement, being acknowledged before the *Judge* by the Parties subscri-
bing and sealing the *Deed*, the said *Deed* being entered on Record in the
Probate Office, shall be deemed a legal and valid Partition and Settlement
of such Estate, as effectually to all Intents as if the same had been divided
and settled by *Writ of Partition*, and be received and allowed in Evidence,
on any Trial against the Parties so interested in the said *Lands* and *Tene-*
ments.

Provided nevertheless, That where any Estate in *Houses* and *Lands* can-
not be divided among all the Children, without great Prejudice to the
Whole, the said *Judge* may, on Evidence of the same, order the Whole
unto the *Eldest Son*, or upon his Refusal, to any other of the Sons Succes-
sively: He paying unto the other Children of the Deceased, their Equal
and proportionable Parts or Shares of the true Value of such *Houses* and
Lands, upon a just Appraisal thereof, to be made by *three* sufficient
Freeholders upon Oath, to be appointed and sworn as aforesaid, or giving
good Security to pay the same in some convenient Time, as the said
Judge shall limit, making reasonable Allowance in the mean Time, not
exceeding

exceeding *six Pounds* by the *Hundred* in the Year. And if any of the Children happen to die, before he or she come of Age, or be married, the Portion of such Child deceased, shall be equally divided among the Survivors. And in Case there be no Children, nor any legal Representatives of them, then *One Moiety* of the *Personal Estate* shall be allotted to the Wife of the *Intestate* for ever, and *one Third* of the *Real Estate* for Term of Life. The Residue both of the *Real and Personal Estate*, equally to every of the next of Kin of the *Intestate* in equal Degree, and those who legally represent them. No Representatives to be admitted among Collaterals after Brothers and Sisters Children. And if there be no Wife, all shall be distributed among the Children, and if no Child, to the next of Kin to the *Intestate* in equal Degree, and their legal Representatives as aforesaid, and in no other manner whatsoever. And every one to whom any Share shall be allotted, shall give Bond with Sureties before the said Judge of Probate, if Debts afterwards be made to appear, to refund and pay back to the Administrator, his or her rateable Part thereof, and of the Administrators Charges.

And it is hereby enacted, That the Lands and Tenements wherewith any Widow shall be so endowed as aforesaid, shall, after the Decease of such Widow, be divided in like manner as by this Act is directed.

Saving to any Person aggrieved at any Order, Sentence or Decree made for the Settlement and Distribution of any *Intestate* Estate, their Rights, of Appeal unto the Governor and Council: Every Person so appealing, giving Security to prosecute the Appeal with Effect. Provided that such Appeal be made within *Thirty Days* after Sentence by the Judge of Probate.

And be it further enacted, That all such Estate, Real or Personal, as is not comprized in any last Will and Testament, or is not plainly devised or given by the same, shall be distributed in the same manner as *Intestate Estates* are directed to be distributed by this Act.

And be it further enacted, That in Case that *Personal Assets* shall be deficient for the Payment of any Debts or Legacies, and it shall be found necessary by any Executor or Administrator to make Sale of any Part of the *Real Estate* of the Deceased, for the Payment of any Debts or Legacies, such Executor or Administrator shall apply to the General Assembly to grant a Licence for the Sale of such Part of such *Real Estate*, as may be most convenient for the Payment of such Debts or Legacies, and before any Sale be made of any *Real Estate*, the Executor or Administrator shall give *Thirty Days* publick Notice, by Posting up Notifications in the most publick Places in the Town where the deceased Person last dwelt, and in the publick Prints, if any such there be; and whoever will give most shall have the Preference in such Sale. And in Case the Estate of such *Intestate* shall be Insolvent, the Executor or Administrator shall make like Application to the General Assembly for an Inquiry, and for the Appointment of Commissioners to inquire into such Insolvency, and to examine and settle the Claims of all Creditors, and the Amount of the Estate of such Insolvent, and to Authorize such Executor or Administrator to sell all the Lands and Tenements of such Insolvent, and to divide the Produce of the Whole of such Estate, in due Proportion to and among the Creditors.

An A^CT to prevent the Sale of *Slop-Cloathing*,
and for punishing the Concealers or Harbourers
of *Seamen* or *Marines* deserting from the *Royal*
Navy.

HEREAS for the better carrying on the present War, it has been His Most Gracious Majesty's Royal Will and Pleasure, from Time to Time, to send large Squadrons of His Ships of War into North-America: And whereas the Harbour of Halifax in this His Majesty's Province of Nova-SCOTIA from its Situation, great Convenience, and Safety for Capital Ships, hath always hitherto been, and probably during the War, will continue to be the Rendezvous of His Majesty's Fleet in that Part of His American Dominions. And whereas many and great Inconveniences have arisen to the Service of the Royal Navy, by Persons enticing, assisting, harbouring and concealing Seamen deserting from His Majesty's Ships, and by buying the Slop-Cloaths issued to Seamen on board His Majesty's Ships, by means whereof, they become subject to Impositions, and are induced to sell their necessary Cloathing to procure Spirituous Liquors, whereby they are rendered unfit for Duty, become Diseased and Die for want of proper Apparell to defend them against the Inclemencies of the Weather, and by Means of such Practices the Commanders of His Majesty's Ships of War have been under a Necessity of detaining such Seamen on board, not only to the great Prejudice of their Health by such Confinement and Want of Exercise, but also to the Disadvantage of the Province, from the Want of the Assistance and Labour of such Seamen. For Remedy whereof, Be it enacted by His Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That if any Person shall entice any Seaman or Marine to desert, or harbour, conceal, or assist any Deserter from any Ship of War, knowing him to be such, the Person so offending shall forfeit the Sum of Twenty Pounds, on Conviction by one or more Credible Witnesses, before any three Justices of Peace (quorum unus) for the Use of His Majesty's Government, to be levied by Distress, and for Want of such Distress, the Person so offending shall be committed to His Majesty's Goal, there to remain without Bail or Mainprize for the Space of six Months, or till such Time as the said Fine shall be paid.

And be it further enacted, That if any Person shall buy or receive as a Pledge, or on exchange any Ship-Cloaths from any Seaman or Marine belonging to any of His Majesty's Ships of War, upon Conviction thereof or Confession, or by the Oath of one Credible Witness, or if such Cloaths shall be

Cap. 19
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found in the Possession of any Person, upon Complaint that they were bought from, or pledged or exchanged by such *Seamen* or *Marines*; in such Case the Party offending shall pay a Fine of *five Pounds*; *Forty Shillings*, of which to the Informer, and *three Pounds* to the Use of His Majesty's Government; and the *Cloaths* shall be taken from such Person and returned to such *Seaman* or *Marine*, and he to be utterly debarred from Recovering in any Action, the Purchase or Loan Money for the same. Any Person offending may be convicted of such Offence before any *One* or more of His Majesty's Justices of the Peace, who are hereby impowered to levy the Penalty by Distress, and in Default of Distress to commit the Offender to His Majesty's Goal, there to remain without Bail or Mainprize, for the Space of *two Months*, or till such Time as the Penalty shall be paid.

Be it further enacted, That it shall and may be lawful for any Person, upon seeing or knowing of any *Seaman* or *Marine* belonging to any of His Majesty's *Ships of War*, selling or exposing to Sale any of his or their *Cloathing* or *Slops*, to apprehend such *Seaman* or *Marine*, and carry him or them immediately to some Justice of the Peace of the County, who is hereby impowered to commit such *Seaman* or *Marine* to His Majesty's Goal, and to deliver him or them over to the Captain, or other Officer of the Ship to whom he or they may belong.

Be it further enacted by the Authority aforesaid, That on Information made on Oath, before any of His Majesty's Justices of the Peace, by any of the Officers of His Majesty's *Ships of War*, That one or more of the *Seamen* in His Majesty's Service have deserted or absconded, who there is Reason to believe lie concealed in some Dwelling or Outhouse, where the said Officer has been refused Admittance; that then it shall and may be lawful for such Justice of the Peace, before whom such Complaint is made, to issue his Warrant to some one or more Constables impowring him or them, in the Day Time, to search for said Deserters or Absconders, in any Dwelling or Outhouse that shall be suspected for Concealing said Deserters or Absconders, accompanied by *One* Officer only, either *Lieutenant* or *Midshipman*, and no other *Seaman* or *Marine* with him, and in Case any Master or Mistress of any Dwelling house or Outhouse in this Province, shall refuse Entrance to said Constable or Constables, so impowred by Warrant as aforesaid to search for said Deserters or Absconders, they shall forfeit the Sum of *Twenty Pounds*; upon Conviction, to be levied by Warrant of Distress under the Hand and Seal of *Two* of His Majesty's Justices of the Peace, from off the Offenders Goods; and for Want of such Distress, shall be committed to His Majesty's Goal for *six Months*; and that it shall and may be lawful for any of His Majesty's Justices of the Peace, who are hereby required upon information on Oath as aforesaid, in the Night Time in his own Person, attended with the Constables, accompanied by *One* Officer either *Lieutenant* or *Midshipman*, and no other *Seaman* or *Marine* with him, to demand Entrance into any Dwelling or Outhouse in this Province, on Suspicion of Deserters or Absconders being concealed there, and the Master or Mistress refusing Entrance to such Justice of the Peace so demanding Entrance in the Night Time, shall forfeit the Sum of *Twenty Pounds* to be levied as aforesaid upon Conviction; and for Want of such Distress, to be committed to His

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Majesty's Goal for six Months; the aforesaid Sums to be for the Uses of this Government: And that the Person or Persons so apprehended sup- posed to be Deserters or Absconders from His Majesty's Service, shall be committed to His Majesty's Goal, until Proof is made before One or more of His Majesty's Justices of the Peace, of his or their Desertion or Abscon- ding; and then to be delivered up to such Officer or Officers of His Majesty's Navy who shall make Demand of said Deserter or Deserters. And in Case said Person or Persons so committed are not Deserters, Absconders, or shall not be in His Majesty's Service, then such Person or Persons to be discharged without Cost.

And be it further enacted by the Authority aforesaid, That this Act shall be and continue in Force during the present War, and no longer.

This Act to Commence and be in full Force from seven Days after the Publication hereof.



An Act relating to Treasons and Felonies.

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That if any Person or Persons shall compass or imagine the Death of the King, or shall levy War against him, or adhere to his Enemies, or give them Aid or Comfort, or shall forge or counterfeit the Kings Money, being Gold or Silver Coin of England or of Great Britain, or shall counterfeit the Kings Great Seal or Privy Seal, or the Seal of this Province, and shall thereof be duly convicted, the Person or Persons so offending are hereby declared, and shall be adjudged to be Traitors, and shall suffer as in Cases of High Treason, and that all Treasons declared by the Acts of Parliament of England or of Great Britain, shall be deemed and adjudged to be Treason within this His Majesty's Province, and none other, and that such Acts of Parliament as direct the Proceedings and Evidence against, and Trials of such Traitors, shall have their full Force and Effect, and be observed as the Rule in all Trials for Treason in this Province.

And be it further enacted, That if any Person with Malice Prepense shall kill, or procure any other Persons to kill, or shall on Purpose and of Malice forethought, and by Lying in wait, unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose or Lip, or cut off or disable any Limb or Member of any Person, with Intention to kill

to maim or disfigure any such Person, the Persons so offending, their Counsellors, Aiders and Abettors, privy to the Offence, shall be *Felons* without Benefit of Clergy. *Provided* that no Attainder of such *Felony* shall work Corruption of Blood, or Forfeiture of Dower, Lands or Goods of the Offender.

And be it further enacted, That every Person, who shall stab or thrust any Person that hath not then any Weapon drawn, or that hath not then first stricken the Party who shall so stab or thrust, so as the Persons so stabbed or thrust, shall thereof die within the Space of *six Months* altho' it cannot be proved that the same was done of Malice forethought, yet the Party so offending and being thereof convicted, shall be excluded from the Benefit of Clergy.

Provided that this Act shall not extend to any Persons, who shall kill any Person in his own Defence or by Misfortune, or in any other manner than as aforesaid, nor shall extend to any Persons who in keeping the Peace, shall chance to commit *Manslaughter*, so as the said *Manslaughter* be not committed wittingly and of Purpose, under pretext and colour of keeping the Peace; nor shall extend to any Person who, in chastising or correcting his Child or Servant, shall, besides his Purpose, chance to commit *Manslaughter*.

And be it further enacted, That if any Woman be delivered of any Issue of her Body, Male or Female, which being born alive, should by the Laws of the Realm of *England*, be a Bastard, and that she endeavour privately, either by Drowning or secret Burying thereof, or any other Way, either by herself, or the procuring of others, so to conceal the Death thereof, as that it may not come to Light whether it were born alive or not, but be concealed, the Mother so offending shall suffer Death as in Case of *Murder*, except such Mother can make Proof by *One* Witness, that the Child whose Death was by her so intended to be concealed, was born dead.

And be it further enacted, That the detestable Sin of *Buggery* committed with Mankind or Beast, shall be adjudged *Felony*, and such Procees therein be used as in Cases of *Felony* at *Common Law*, and the Offender or Offenders being convicted by Verdict, Confession or Outlawry, shall suffer the Pains of Death, and Loss of their Goods, Lands and Tenements, as *Felons*, and no Person guilty of such Offence shall be admitted to his Clergy: And Justices of the Peace shall have power to inquire of the said Offence as in other *Felonies*. And if any Person or Persons, shall make an Assault, with an Intent to commit the Sin of *Buggery*, such Offender or Offenders, shall, on due Conviction thereof, be adjudged to stand in the Pillory, and may for further Punishment be fined, imprisoned, or be bound in Sureties for his or their good behaviour, at the Discretion of the Court.

And be it further enacted, That if any Person or Persons shall, by Force, and against the Consent of any Woman, or Infant above the Age of *Twelve Years*, have Carnal Knowledge of her Body, every such Offender

der or Offenders shall, on due Conviction of such Ravishment, suffer as a *Felon* without Benefit of Clergy. *Provided always* that if Complaint shall not be made of a Ravishment within *ten Days* afterwards, before one of His Majesty's Justices of the Peace or other Magistrate, that then such Fact shall be adjudged to have been committed by and with the Consent of such Woman or Infant.

And be it further enacted, That if any Person shall unlawfully have Carnal Knowledge of any Female Child under the Age of *Twelve Years*, tho' with her Consent, every such unlawful and Carnal Knowledge shall be *Felony*, and the Offender being thereof duly convicted, shall suffer as a *Felon*, without Benefit of Clergy. And every violent Assault and Battery committed on the Body of such Woman or Infant, with Intent to ravish, shall be punished by adjudging the Offender or Offenders, upon due Conviction thereof, to stand in the Pillory, and the Judge or Judges of the Court, wherein he shall be so convicted, may for further Punishment, Fine and Imprison, and require Sureties for the good Behaviour, at his or their Discretion.

And be it further enacted, That if any Person or Persons shall by Night break open and enter any Dwelling House, Shop or Warehouse, or any Vessel lying so near the Land that it be adjudged within the County, with an Intent to commit any *Felony*, whether such felonious Intent be executed or not, or shall rob any Dwelling House in the Day Time, any Person being therein, or break any Dwelling House, Shop or Warehouse thereunto belonging, or therewith used, in the Day Time, and feloniously take away any Money or Goods of the Value of *five Shillings* therein being, altho' no Person shall be within such Dwelling House, Shop, or Warehouse, or shall rob any other, or feloniously take away any Goods in any Dwelling House, the Owner or any other Person, being therein and put in Fear; or if any Person or Persons shall by Night or by Day, rob or by violence take Money, or Goods, from any Person putting him in Fear, in any High Ways, or in any Streets or Lanes of a Town, or shall feloniously take Money or Goods from the Person of any other, privily without his Knowledge, each and every of the Offenders aforesaid, their Aiders and Abettors, shall, upon due Conviction, suffer as *Felons*, without Benefit of Clergy.

And be it further enacted, That if any Person or Persons shall steal, or take by Robbery, any Bills of Exchange, Bonds, Warrants, Bills, or Promissory Notes for the Payment of Money, being the Property of any other Person, notwithstanding any of the said particulars are termed in Law a *chose in Action*, it shall be deemed *Felony* of the same Nature, and with or without the Benefit of the Clergy or of this Act, in the same manner as it would have been if the Offender had stolen or taken by Robbery, any other Goods of the like Value with the Money due on such Bills of Exchange, Bonds, Warrants, Bills, or Notes, or secured thereby, and remaining unsatisfied, and shall suffer such Punishment as if he, she or they, had stolen other Goods of the like Value. *Provided* that no Attainder for any such Offence, so made *Felony*, shall work any Corruption of Blood, Loss of Dower, or Disinheritance of Heirs.

And be it further enacted, That if any Person or Persons shall buy or receive any Goods that shall be stolen, knowing the same to be stolen, he she; or they shall be deemed Accessaries to the Felony after the Fact, and that it shall be lawful to prosecute and punish Persons buying or receiving stolen Goods, knowing the same to be stolen, or that shall be Accessary to such Felony before or after the Fact, as for a *Misdemeanor*, to be punished by Fine and Imprisonment, altho' the principal Felon be not before convicted; of the said Felony, which shall exempt the Offender from being punished as Accessary, if the Principal shall be after convicted.

And be it further enacted, That if any Person or Persons shall take away with an Intent to steal, imbezil, or purloin, any Goods, Chattels, or Furniture, which by Agreement they are to use, or shall be let to them to use in his, her, or their Lodging, such taking, imbeziling, or purloining, shall be adjudged to be *Larceny* and Felony.

And be it further enacted, That if any Servant or Servants shall go away with the Caskets, Jewels, Money, Goods or Chattels, delivered to his, her or their Keeping, by his, her or their Master or Mistress, with Intent to steal the same, and defraud his, her or their Master or Mistress thereof, contrary to the Trust and Confidence in them reposed, or being in Service, without Assent or Commandment of his, her, or their Master or Mistress, shall imbezil or convert the same to his, or her Use, with Purpose to steal the same, being of the Value of *Forty Shillings* or above, every such Offender or Offenders shall, upon due Conviction, suffer Death as in Cases of Felony, without Benefit of Clergy.

Provided that any Apprentice or Apprentices, within the Age of *Fifteen Years*, shall be intitled to the Benefit of Clergy, for the first Offence.

And be it further enacted, That if any Person or Persons shall willfully and maliciously, burn, or cause to be burned, any Dwelling House, Barn, Outhouse, or Warehouse, of another, or any Publick Building, or any Hovel, Cock, Mow, Rick, or Stack of Corn, Straw, Hay or Wood, of another, all and every such Person or Persons so offending, and their Aiders, Abettors, and Counsellors, shall, upon due Conviction, suffer as Felons, and be excluded from the Benefit of Clergy.

And be it further enacted, That whosoever shall maliciously Shoot at any Person or Persons, in any Dwelling House or other Place, or shall knowingly send any Letter without any Name, or signed with a fictitious Name, demanding from any Person or Persons, Money or other valuable Thing, such Offender or Offenders, being duly convicted thereof, shall suffer as Felons, without Benefit of Clergy.

And be it further enacted, That whosoever shall feloniously take and carry away any Money or Goods, in any other manner than is herein before declared and provided for, or shall imbezil any of His Majesty's Stores, or the Utensils, Furniture or Cloathing, in any Storehouse or Hospital of His Majesty, if such Offender or Offenders shall be found guilty of such felonious Taking or carrying away of such Money, or Goods, or of im-

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imbeziling any of His Majesty's Stores, or the Untensils, Furniture or Cloathing in any Storehouse or Hospital of His Majesty, as aforesaid, to the Value of *Twenty Shillings* or more; Every such Offence shall be *Larceny* and *Felony*; and if the Value shall be found by Verdict on Trial to be less than *Twenty Shillings*, then such Offence shall be punishable as *Petit Larceny*, by such publick Whipping as the Court, before whom such Offender shall be convicted, shall direct, and it shall and may be lawful for such Court to order the Offender to make full Restitution, and in Default thereof to commit such Offender to the House of Correction, there to be put to hard Labour, for a Term not exceeding *three Months*, as the Judges; in their Discretion, shall think fit.

And be it further enacted, That all Monies, Goods, Chattels, Merchandizes, or Stores, found in Possession of any *Burglar, Housebreaker, Robber, Thief, or Purloiner*, shall be delivered by the Justice of Peace who shall take the Examination of such Offender, into the Custody of the Provost Marshal or his Deputy, or Constable of the Town where the Offence shall be committed, who shall be answerable for the same until the Offender be convicted; and the Judge or Judges of the Court, wherein such Offender shall be convicted, shall order the said Money, Goods or Stores, to be restored to the lawful Owners thereof; and where no Owner shall appear to claim the same, they shall be adjudged to be forfeited; and in Cases where the Evidence shall not be sufficient to convict of *felonious* Intent, and the Jury shall declare that the Property of such Money, Goods, or Stores, is in the Prosecutor, it shall and may be lawful for the Court to order such Money, Goods, or Stores, to be delivered to such Prosecutor; *Provided nevertheless* That such Delivery shall not debar the Party so acquitted, or any other Person who may claim the same, from his or her Action for the Detainer of such Money, Goods or Stores, so delivered to the Prosecutor.

And be it further enacted, That notwithstanding the Allowance of Clergy, and burning in the Hand of any *Principal Offender*, the *Accessaries* to such Offender shall be arraigned and tried in the same manner as if such Clergy had not been allowed.

And be it further enacted, That every Person which once hath been admitted to the Benefit of his Clergy, being afterwards arraigned, shall not be admitted to the Benefit of his Clergy, and that every Person convicted for *Manslaughter*, shall be marked with an *M*, upon the Brawn of the left Thumb; and for any other *Felony*, the Person convicted shall be marked with a *T*, in the same Place: These Marks shall be made by the Goaler in open Court. And if any Person convicted of any *Felony*, for which he ought to have the Benefit of his Clergy, shall pray to have the Benefit of this Act, he shall not be required to read, but without any reading shall be allowed to be, and punished as a Clerk Convict, which shall be as effectual and as advantageous to him as if he had read as a Clerk, and after Allowance of such Clergy and Burning in the Hand, such Person shall be enlarged and delivered out of Prison, by the Judge or Judges of

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the Court before whom such Clergy shall be granted; *Saving* that such Judge or Judges may for the further Correction of such Persons to whom Clergy shall be allowed, keep them in Prison, or send them to the House of Correction, for such convenient Time as the said Judge or Judges in their Discretions, shall think fit, so as the same do not exceed *One Year's* Imprisonment, or to punish them by publick Whipping. And that where a Man, convicted of any *Felony*, may demand the Benefit of his Clergy, a Woman convicted for the like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death shall not be given against her upon such Conviction, or Execution awarded upon any Outlawry for such Offence, but such Woman shall suffer the same Punishment as a Man that has the Benefit of his Clergy allowed him in the like Case, (*that is to say*) shall be burned in the Hand by the Goaler in open Court, and may, for further Punishment, be kept in Prison, or sent to the House of Correction, for such Time as the Judges shall think fit, so as the same do not exceed *One Year*, or be ordered to be publickly whipped, as the Judge or Judges, before whom such Woman is convicted, shall, from the Quality of the Offence, think meet. And the Clerk of the Court or *Affizes* where such Man or Woman shall be convicted, shall, at the Request of any in His Majesty's behalf, certify a *Transcript* containing the Tenor of every *Indictment* and *Conviction* of such Man or Woman, of his having the Benefit of the Clergy, or her having the Benefit of this Act, and the Addition of every such Person, and the Certainty of the *Felony* and *Conviction*, to the Judge or Judges of the Court or *Affizes* where such Man or Woman shall be indicted; which Certificate, being produced in Court, shall be a sufficient Proof that such Man hath before had the Benefit of his Clergy, and that such Woman hath had the Benefit of this Act, in the same manner as if the Record had been produced. And if any Person or Persons indicted of any Offence, for which, by Virtue of this Act, they are excluded from the Benefit of Clergy or of this Act, shall, if they stand mute or will not answer directly to the *Felony*, or shall challenge peremptorily above *Twenty* of the Jury, or shall be outlawed thereupon, be ousted of the Benefit of the Clergy or of this Act, and Judgment shall be pronounced and Execution awarded, as if such Person or Persons had been convicted of such Offence by Verdict or Confession.

And be it further enacted, That in all Cases where the Benefit of Clergy or of this Act shall be allowed, if the Prisoner shall not, upon his Arraignment, answer directly according to Law, or shall willfully stand mute, or shall peremptorily challenge above *Twenty* Jurors, or if any Person be outlawed on any Indictment for such *Felony*, such Person or Persons shall be proceeded against by the Court, in the same manner as if he, she, or they had been convicted by Confession or Verdict.

Provided nevertheless, That no Man who hath had the Benefit of the Clergy allowed him, nor any Woman who hath had the Benefit of this Act, shall have the Benefit of Clergy or of this Act, for any *Felony* committed since his or her having had the Benefit of Clergy or of this Act as aforesaid, and that no Person shall be allowed the Benefit of Clergy or of

Saving that such Persons to whom the said Judge or me do not exceed Whipping. And the Benefit of her Prayer to not be given a upon any Out the same Punish him in the like Goaler in open on, or sent to all think fit, so publicly whip- is convicted, and the Clerk of convicted, shall, scribe contain Man or Wo- the Benefit of e Certainty of Court or Affix certificate, being hath before hath had the ad been pro- ce, for which, f Clergy or of directly to the Jury, or shall gy or of this awarded, as if by Verdict or

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this Act, more than once, but shall for any *Felony* by him or her committed after being allowed the Benefit thereof, be utterly debared from having the Benefit of the same again. *Provided* also That if any Man admitted to his Clergy, or any Woman admitted to the Benefit of this Act, shall, before such his or her Admission, have committed any Offence, whereupon Clergy is not allowable by this Act, and not being thereof indicted and acquitted, convicted or attainted, or pardoned, shall and may be indicted or appealed for the same, and put to answer as if no such Admission to the Benefit of Clergy or of this Act had been.

And be it further enacted, That every Person who shall be produced or appear as a Witness on the behalf of the Prisoner upon any Trial for Murder or *Felony*, before he or she be admitted to give Evidence, shall first take an Oath to depose the Truth, in such manner as the Witnesses for the King are, by Law, obliged to do; and if any Witness be convicted of willfull Perjury in such Evidence, he shall suffer all the Penalties, Forfeitures and Disabilities which, by Law, may be inflicted on Persons convicted of willfull Perjury.

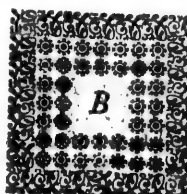
And be it further enacted, That all Indictments, Process, Pleadings, and Trials, and the Rules of Evidence upon any Trials for any *Felonies* or *Misdemeanors*, either by the common Law of England, or by virtue of this Act, shall be according to the Usage, Practice and Laws of England, and that all convictions, Attainders, Judgments, and Executions, for any *Felonies* or *Misdemeanors*, before the making of this Act, shall be good and valid in Law, and the same are hereby ratified and confirmed; *Saving* all and every Person and Persons, all such Advantages in Law, upon any Judgment that may be depending in any Court of Record, at the Time of making this Act, in the same manner as if this Act had not been made.

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An Act for preventing *Trespases*.

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Be it enacted by His Excellency the Governor, Council, and Assembly, and by Authority of the same it is hereby enacted, in Order to regulate Fences, and to prevent Damages being done to the Proprietors of inclosed Lands by unruly Cattle; That all Fences belonging to any inclosed Lands shall be built or made with Stone, Pickets, Boards, or Posts and Rails, or Log Fence, unless the Lands are bounded by Ponds, unfordable Rivers, or the Sea; and such Fences shall be, at least, four Feet and an half high; And if any Damage be done by breaking such Inclosures, and destroying any of the Product thereof by Horses, Sheep, Hogs, and Neat Cattle, if such Inclosures shall, at the Time of such Damage, be inclosed by a good and sufficient Fence, agreeable to this Law in the Judgment of the Fence Viewer, who is hereby appointed to view the same, the Owners of such Trespassing Cattle, shall pay to the Party injured, the Value of all such Damages, to be ascertained, on the Appraisement thereof, by three credible Persons, living in the Neighbourhood, being first sworn before One of His Majesty's Justices of the Peace of the County where such Lands lie, truly to Value the same; and in Case the Owner of the said Cattle or Hogs, shall refuse to pay the Value of such Appraisement, upon Notice thereof given him, the injured Party may have and maintain his Action therefor, before any One or more of the said Justices, or before the Inferior Court of Common Pleas, according to the Value of such Damage.

And Whereas the Owners and Proprietors of Fields, lying and being adjoining to other inclosed Fields, do neglect to fence in their proportionable Part of such Fields, Be it enacted by the Authority aforesaid, That the Proprietor of any Field, adjoining to another inclosed or improved shall build up and maintain his Part or Proportion of Fencing, with good and sufficient Fence of four Feet and an half high, on that Part of such Land as is adjoining to his own; and in Case he neglects so to do within the Space of Ten Days after Notice given him it may and shall be lawful, and any One of the Fence Viewers, upon Application being made to this

made to him, in such Case is hereby impowered forthwith to cause such deficient Fence to be raised or made, or otherways to repair any Fence already made, if, in his Judgment, the same is insufficient; and the Person or Persons that of Right ought to build and maintain the same, shall pay double the Costs and Charges expended for the doing thereof; and in Case of Refusal, such Fence Viewers may recover the same by Action on the Case, according to the Value in manner aforesaid. *Provided* always that no Fence Viewer shall be allowed more than *three Shillings per Day*, in his Account, for his own Trouble and Time expended therein. And if any Fence Viewer, when notified, shall neglect his Duty herein, he shall forfeit *Forty Shillings* for every Offence.

And be it further enacted, That no Swine shall be permitted to go at large within the Streets, Lanes, or Suburbs of *Halifax*: And it shall and may be lawful for the *Hogreaves*, so often as they shall find any Swine going at large within the Streets, Lanes or Suburbs of the said Town, to impound them, and as soon as may be, cause the same to be publicly cried, for which he shall be paid *two Shillings* and *six Pence per Head*, and *three Pence per Day* for supporting each Swine, whilst impounded; and if the Owner thereof doth not appear, or refuses, within *three Days*, to claim the said Swine, and pay the Charges, that then the *Hogreaves* are hereby authorized to sell such Swine at publick Auction, and after deducting all Charges, the *Overplus* shall be paid to the Owner, when demanded.

And be it further enacted, That the Surveyors of Highways, by this Act appointed, shall have the Care and Supervisal of all the Streets, Lanes, and Highways of the Town and Suburbs of *Halifax*, and are hereby impowered to prevent the same from being obstructed or incumbered, and to cause the same to be mended, at the Charge of the Proprietors of Land bordering thereon: And they are hereby required to present all *Nuisances* in the said Streets, Lanes, and Highways, within the Limits above-mentioned, at the next *General Quarter Sessions* of the Peace, which is hereby impowered to proceed against such Offences according to the Laws of England in such Cases made and Provided.

And be it further enacted, That the Committee of the *General Assembly*, to be appointed for that End, shall and are hereby impowered to nominate *four* suitable *Overseers* of the Poor, *two* Persons for *Clerks of the Market*, *two* Persons for *Fence Viewers*, *two* Persons for *Hogreaves*, and *four* Persons for *Surveyors of Highways*, to serve for the Town of *Halifax*, till the *Sessions* of the *Supream Court*, *Court of Assize* and *General Goal Delivery*, to be held in *October* next, at which Time the *Grand Jury* of said Court are hereby impowered to choose other meet Persons to serve in their Room, and so from *Year to Year*; and the said Persons, so nominated or chosen, shall be sworn to the faithfull Discharge of the Duty of their several Offices; and the Person or Persons who shall refuse to serve in the said Offices to which they are respectively nominated or chosen as aforesaid, shall forfeit and pay the Sum of *Forty Shillings* each, and the said Committee or *Grand Jury* are hereby authorized to nominate or choose other Persons to serve in their Stead.

An Act for making *Lands and Tenements* liable
to the Payment of *Debts*.

BE it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Publication hereof, when any Person or Persons shall recover Judgment in any of His Majesty's Courts of Record within this Province for any Sum or Sums of Money, or for Costs of Suit, and the Person or Persons against whom Judgment shall be recovered, shall be either unwilling or unable to satisfy such Judgment by Money or otherwise, or sufficient *Personal Estate*, whereon to levy Execution on such Judgment, shall not be found, then and in such Case Execution shall and may be extended on the *Real Estate* of such Debtor or Debtors; and the Provost Marshal or his Deputy, upon Request to either of them made by the Creditor or Creditors, his or their Attorney or Agent, shall give Notice in Writing to the Debtor or Debtors, and in their Absence to their Attorney or Agent, to nominate an Appraizer, and the Creditor or Creditors shall have like Notice to nominate another on their behalf; and the said Provost Marshal or his Deputy shall name a *Third*, being all discreet indifferent Men and Freeholders; and in case such Debtor or Creditor or either of their Agents or Attorneys shall, for the Space of *three Days* after such Notice, refuse or neglect to nominate an Appraizer on their respective behalfs, or in case such Debtor or Debtors, shall be absent from the Province, and have no known Attorney or Agent; then and in such case the Provost Marshal or his Deputy shall and may nominate an Appraizer for such Debtor or Creditor respectively: And the Provost Marshal or his Deputy shall cause the said Appraisers, so nominated, to be sworn before some of His Majesty's Justices of the Peace, faithfully and impartially to the best of their Skill and Knowledge, to appraise such *Real Estate* as shall be shewn to them: And the said Appraisers with the Provost Marshal or his Deputy shall forthwith repair to the *Lands or Tenements* of such Debtor, and view and examine the State and Condition thereof, and if upon such View and Examination, the said Appraisers, or any two of them, shall judge that the annual Rent of such *Lands or Tenements*, will be sufficient to pay such *Debt, Costs*, and *lawful Interest* for the same, together with the necessary *Repairs*, within

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two Years, then the Provost Marshal or his Deputy shall extend the said *Execution* on the Rents only, and cause the Person or Persons in Possession, whether Debtor or Debtors, or their Tenant or Tenants, to attorn and become Tenant to such Creditor or Creditors, and shall pay Rent Quarterly to such Creditor or Creditors, who may distrain for the same, if in Arrear, according to the *Laws of Great Britain*; and the Person in Possession, refusing or neglecting to pay such Rent, when due, may be removed from such *Lands or Tenements*, by the Provost Marshal or his Deputy. And the Creditor or Creditors shall and may hold over and receive the Rents of such *Lands or Tenements*, until such *Judgment, Cost and Interest*, shall be fully Satisfied and paid.

And be it further enacted, That if upon such View and Examination as aforesaid, the said Appraisers or the major Part of them, shall be of Opinion that the Yearly Rents of the *Lands or Tenements* of such Debtor or Debtors are not sufficient to satisfy such *Debt with Cost and Interest*, together with the Charge of *needful Repairs*, within the Space of *two Years*, then the said *Execution* shall and may be levied on Part of such Estate, if in the *Judgment* of the said *three Appraisers* it can conveniently be done; but if not, then on the Whole of the *Lands or Tenements* of the said Debtor or Debtors. And the Provost Marshal or his Deputy shall immediately deliver Seizen and Possession thereof to such Creditor or Creditors, and cause the Person or Persons in Possession or Improvement thereof, to attorn and become Tenants to such Creditor or Creditors in manner aforesaid, and pay their Rent to him or them accordingly. And such Person or Persons, so in Possession, shall be subject to be removed, and be under such Rules and Regulations as are herein before prescribed.

And be it further enacted, That in all Cases where an Appraisement, as herein before directed, shall be made, whether the same be of *Lands or Tenements* in Part or in Whole, or of the Rents thereof only; the Appraisers shall make and subscribe a true and impartial Appraisement thereof, which said Appraisement being annexed to the *Execution*, and duly returned by the Provost Marshal or his Deputy, and filed and recorded therewith by the Clerk of the Court from whence the same issued, in a Book to be kept by him for that Purpose, and the Provost Marshal or other Officer serving such *Execution*, shall immediately execute a Deed of Sale of such *Lands or Tenements*, to such Creditor or Creditors, in Consideration of the Value found by such Appraisers, to be therein mentioned, who by Virtue thereof or of said Return, shall make a good Title to such Creditor or Creditors, his or their Heirs or Assigns in Fee. *Subject nevertheless* to an Equity of Redemption, as is herein after prescribed; and any Clerk refusing or neglecting his Duty herein, shall forfeit the Sum of *five Pounds*, to be recovered by Action of Debt by the Party grieved.

Provided always, and it is hereby further enacted, That it shall and may be lawful for any Debtor or Debtors, whose Estate is taken in *Execution*, or their Heirs, Executors, Administrators, or Assigns, at any Time, within the Space of *two Years* next following the *Laying* such *Execution* thereon, to redeem his or their *Lands or Tenements* so extended, and may

have his Action of Account against the Creditor or Creditors of their Assigns, in manner as is provided by Law: And upon paying the Original Debt with the *Cost* and *Interest*, and the Charges of such *necessary Repairs*, as the Creditor or Creditors or their Assigns have been obliged to expend; *Provided* that they do not exceed *One half* of the Rents, which the Creditor or Assigns, if he or they see cause, are hereby allowed to expend and lay out, and as much more as the Debtor shall consent to, (who is hereby obliged to accept the same,) such Creditor or Creditors or their Assigns shall immediately surrender all such Estate to the Debtor or Debtors, their Heirs, Executors, Administrators, or Assigns, and deliver up and quiet peaceable Possession thereof,

And be it further enacted, That when any Estate shall be found by the Appraisers, to be of greater Value than the *Debt* and *Cost*, the Creditor or Creditors shall be obliged, at the Expiration of *Thirty Days* next after the End of the said *two Years*, (if not sooner redeemed) to give publick Notice by Advertisement, that the *Lands* or *Tenements*, so extended, are to be sold at publick Auction by the Provost Marshal or his Deputy, who are hereby impowered to sell the same, and to execute to the Person or Persons purchasing the same, a Deed thereof as of a *Fee Simple*, which Deed being registred as by Law required, shall be good and valid in the Law; but in the mean Time and until such Sale shall be made, the Equity of Redemption of such *Lands* or *Tenements*, shall be open in Favour of such Debtor or Debtors, their Heirs, Executors, Administrators, or Assigns, to recover the same, and if, upon such Sale, the said *Lands* or *Tenements* do sell for more than the original *Debt*, *Cost*, *Charges*, and *Interest*, the Creditor or Creditors, or their Attorney or Agent or Assigns, shall pay the Overplus into the Hands of the Debtor or Debtors or their Heirs, Executors, Administrators, or Assigns, the said Creditor or Creditors accounting to such Debtor or Debtors, for all Rents and Profits, first deducting for all *necessary Repairs*. But if the said *Lands* or *Tenements* do sell for less than the *Debt*, *Cost*, *Charges*, and *Interest*, then the Creditor or Creditors, or their Heirs or Assigns, in such Case, shall and may have an *Alias Execution* against the Debtor for the Residue.

And be it further enacted, That when the *Real Estate* of the Debtor upon Appraisalment, or when the *Yearly Rent* of the *Lands* or *Tenements* extended upon, at the End of the said *two Years*, shall be found insufficient to satisfy the *Judgment*, with *Cost*, *Charges*, *Interest*, and *needful Repairs*; That in either Case, an *Alias Execution* may issue on the said *Judgment* for the Remainder, and be levied on such other *Effects* or *Estate* as can be found of the Debtor, or his *Body* may be taken and detained until Satisfaction be made of such *Judgment*, with *Cost*, *Charges*, and *Interest*: any Law, Usage, or Custom to the contrary notwithstanding.

Provided that nothing herein contained shall extend or be construed to extend to the Detaining in Prison any poor *Insolvent* Debtor, contrary to the Law of this Province in that Case made and provided.

An Act for preventing Frauds by Butchers and Fishmongers.

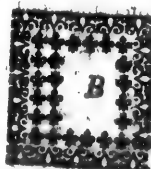
Cap. 25.

BE it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That every Butcher and other Person, who shall kill or slaughter any Ox, Cow, Sheep, Swine, Calf, Lamb, or other Cattle, for Sale, shall slaughter and flea the same in the most clean and plain manner, and shall not on any pretence, raise, or blow, or use any Fraudulent or Deceitful Art to set off the same; and no Butcher or other Person, shall sell or expose to Sale any Cattle killed, but what shall be killed or dressed in the most plain manner, and according to the Meaning of this Act; and if any Butcher or other Person shall offend in any of the Premises, and be convicted of the said Offence, before One Justice of the Peace of any County, by One Witness or Confession of the Offender, or on View by such Justice, he shall forfeit such Ox, Cow, Sheep, Swine, Calf, Lamb, or other Cattle or Part thereof, killed or dressed contrary to this Act, to be disposed of, by such Justice, among the Poor of the Town, where such Offence shall be committed, or among the Prisoners; and shall further forfeit the Sum of *five Shillings* to and for the Use of the Informer, to be levied by Warrant of Distress under the Hand and Seal of such Justice.

And be it further enacted, That no Butcher or other Person shall sell or expose to Sale, any tainted *Flesh* or *Fish* unfit for Sale, under the like Forfeiture and Penalty, to be prosecuted and recovered, and to be disposed of in manner aforesaid, unless the said tainted *Flesh* or *Fish*, be wholly unfit for Food, in which Case, the Justice before whom such Conviction shall be had, shall cause such tainted *Flesh* or *Fish* to be burnt or otherwise destroyed.

And be it further enacted, That the Clerks of the Market shall and are hereby impowered, *ex Officio*, to seize and take all such *Flesh* blown, or fraudulently or deceitfully set off, or *Fish* tainted and unfit for Sale, and to proceed against and convict such Offenders in manner aforesaid, and the Fines arising therefrom shall be to and for their own Use.

An Act concerning *Marriages*, and *Divorce*,
and for punishing *Incest* and *Adultery*, and de-
claring *Polygamy* to be *Felony*.



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It is enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That any Person presuming to officiate in Solemnizing any *Marriage*, before Notice of the Parties Intention of *Marriage* shall be publickly given, on three several *Sundays* or *Holy Days*, in Time of Divine Service, in some Congregation within the Town or Towns, where each of the Parties do reside, or for which *Marriage* Licence shall not have been obtained, under the Hand of the Governor or Commander in Chief of the Province for the Time being, shall forfeit and pay to the Use of His Majesty's Government, *Fifty Pounds*, to be recovered by Bill, Plaint or Information, in any of the Courts of Record within this Province.

And be it further enacted, That if any *Clergyman*, officiating as such in any Congregation in the Town or Towns, where the Parties reside, shall neglect or refuse to make or cause to be made such Publication when thereunto reasonably requested, he shall forfeit the Sum of *Fifty Pounds*, to be recovered in manner aforesaid: And be subject nevertheless to an Action of Damages, to be brought by any of the Parties aggrieved.

And be it further enacted, That if any *Clergyman* shall refuse to marry any Persons requesting him thereto, and making known to him that they have been duly published, or have obtained a Licence as aforesaid, he shall forfeit the Sum of *Fifty Pounds*, to be recovered in manner aforesaid, and be subject to the like Action of Damages.

And be it further enacted, That if any Person, being married, do marry again the former Husband or Wife being alive, such Offence shall be *Felony*.

Provided nevertheless That the foregoing Clause of this Act, shall not extend to any Person whose former *Marriage* has been declared void, who has obtained a *Divorce* by any Sentence had before the Governor,

and Council ; nor shall any Attainder for this Offence work any Corruption of Blood, Loss of Dower, or Disinheritance of Heirs.

And be it further enacted, That all Matters relating to prohibited Marriages and Divorce, shall be heard and determined by the Governor, or Commander in Chief for the Time being, and His Majesty's Council of this Province.

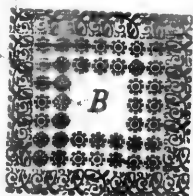
And be it further enacted, That no Marriage shall be declared null and void, except for the Cause of Impotence, or of Kindred within the Degrees prohibited in an Act made in the Thirty Second Year of King HENRY the Eighth, intituled An Act concerning Precontracts and touching Degrees of Consanguinity; And that no Decree for Divorce shall be granted for any other than the two foregoing and the two following Causes, viz. That of Adultery, and That of wilful Desertion and withholding necessary Maintenance for three Years together; in any of which Cases every Person suing for a Divorce, shall be intitled to a Decree for that Purpose, to be obtained from the Governor or Commander in Chief for the Time being, and His Majesty's Council, who shall have full Power and Authority to grant the same.

And be it further enacted by the Authority aforesaid, That every Man and Woman who shall Carnally know each other, being within the Degrees of Kindred forbidden in the aforesaid Act, and shall be convicted thereof before His Majesty's Supreme Court of Judicature, Court of Assize and General Goal Delivery, or Court of General Quarter Sessions of the Peace, shall be set in the Pillory for the Space of one Hour, and further shall forfeit the Sum of Fifty Pounds, to the Use of His Majesty's Government, or suffer six Months Imprisonment.

And be it further enacted, That every Person who shall commit Adultery, and shall be thereof convicted before any of His Majesty's Courts aforesaid, shall forfeit to the Use aforesaid the Sum of Fifty Pounds, or suffer six Months Imprisonment, and to be subject nevertheless to an Action of Damages by any of the Parties aggrieved.



An Act for preventing *Frauds* and *Perjuries*.



B

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the First Day of May in this present Year, One Thousand Seven Hundred and Fifty Nine, all *Leases, Estates, Interests* of Freehold, or *Terms of Years*, or any uncertain *Interests* of, in, or out of any *Messuages, Lands, Tenements, or Hereditaments*, made or created by *Livery and Seisin* only, or

by *Parol*, and not put in Writing and signed by the Parties so making or creating the same, or their Agents thereunto lawfully authorized by Writing, shall have the Force and Effect of *Leases, or Estates at Will* only, and shall not, either in Law or Equity, be deemed or taken to have any other or greater Force or Effect, any Consideration for making any such *Parol Leases or Estates*, or any former Law or Usage to the contrary notwithstanding. Except nevertheless, all *Leases* not exceeding the Term of three Years from the making thereof, whereupon the Rent reserved to the Landlord, during such Term, shall amount unto two Third Parts at least, of the full improved Value of the Thing demised.

And be it also enacted, That no *Leases, Estates, or Interests*, either of Freehold, or *Term of Years*, or any uncertain Interest of, in, to or out of any *Messuage, Lands, Tenements, or Hereditaments*, shall, at any Time after the said first Day of May, be assigned, granted, or surrendered, unless it be by *Deed or Note in Writing*, signed by the Party so assigning, granting, or surrendering the same, or their Agent thereunto lawfully authorized by *Writing*, or by Act and Operation of Law.

And be it further enacted, That from and after the said First Day of May, no Action shall be brought whereby to charge any Executor or Administrator upon any Special Promise, to answer Damages out of his own Estate, or whereby to charge the Defendant upon any Special Promise, to answer for the Debt, Default or Miscarriages of another Person, or to charge any Person upon any Agreement made upon Consideration of Marriage, or upon any Contract or Sale of *Lands, Tenements, or Hereditaments*, or any Interest in, or concerning them, or upon any Agreement that is not to be performed within the Space of One Year from the making thereof, unless the Agreement upon which such Action shall be brought, or some Memorandum or Note thereof, shall be in Writing,

and

and signed by the Party to be charged therewith, or some other Person thereunto by him lawfully authorized.

And be it further enacted, That no Contract for the Sale of any Goods, Wares, and Merchandizes for the Price of *Ten Pounds* or upwards, shall be allowed to be good, except the Buyer accept Part of the Goods so sold, or actually receive the same, or give something in Earnest to bind the Bargain or in Part of Payment, or that some Note or Memorandum in Writing of the said Bargain be made, and signed by the Parties to be charged by such Contract, or by their Agents thereunto lawfully authorized.

And be it further enacted, That from and after the said *First Day* of *May*, all Declarations or Creations of Trusts or Confidences of any *Lands, Tenements, or Hereditaments*, shall be manifested and proved by some Writing signed by the Party who is, by Law, enabled to declare such Trust, or by his last *Will* in Writing, or else they shall be utterly void and of none Effect. *Provided always,* That where any Conveyance shall be made of any *Lands or Tenements*, by which a Trust or Confidence shall or may arise or result by the Implication or Construction of Law, or be transferred or extinguished by an Act or Operation of Law, then and in every such Case, such Trust or Confidence shall be of the like Force and Effect, as the same would have been, if this Act had not been made; any Thing herein before contained to the contrary notwithstanding.

And be it further enacted, That all Grants and Assignments of any Trust or Confidence, shall likewise be in Writing, signed by the Party granting or assigning the same, or by such last *Will* or *Devise*, or else shall be utterly void and of none Effect.

And be it further enacted, That it shall and may be lawfull for every Sheriff or other Officer, to whom any Precept or Writ shall be directed, upon any Judgment or Recognizance, to do Execution of all such *Lands, Tenements, and Hereditaments*, as any other Persons be seized or possessed of in Trust for him against whom Execution is sued, as if the Party against whom Execution shall be sued, had been seized of such *Lands, Tenements, and Hereditaments*, of such Estate as they be seized of in Trust for him at the Time of the Execution sued, which *Lands, and Tenements, and Hereditaments*, shall be accordingly held, freed from all Incumbrances of such Persons seized or possessed in Trust. And if any *cessui que Trust*, shall die leaving a Trust in *Fee Simple* to descend to his Heirs, such Trust shall be *Assets* by Descent, and the Heir shall be chargeable with the Obligation of his Ancestor, as if the Estate in Law had descended to him. *Provided* that no Heir, who shall be chargeable by Reason of any Estate or Trust made *Assets* by this Law, shall by Reason of any Plea, Confession of the Action, or suffering Judgment by *nient de dire*, or other Matter, be chargeable to pay the Condemnation out of his own Estate, but Execution shall be sued of the whole Estate so made *Assets*, in whose Hands soever it shall come after the Writ purchased, in the same manner as by the common Law, where the Heir pleading a true Plea, Judgment is prayed against him thereupon.

And be it further enacted. That any Estate *purauter vie*, shall be deviseable by a *Will* in Writing signed by the Party devising the same, or by some other Person in his presence and by his Express Direction, attested and subscribed in the Presence of the *Devisor* by three or more Witnesses; and if no such Devise thereof shall be made, the same shall be chargeable in the Hands of the Heir, if it shall come to him by Reason of a special Occupancy, as *Assets* by Descent, as in Case of Lands in *Fee Simple*; and in Case there be no special Occupant thereof, it shall go to the Executors or Administrators of the Party that had the Estate thereof by Virtue of the Grant, and shall be *Assets* in their Hands, and shall be subject to the Payment of Legacies, and be distributable, after Payment of Debts, in the same manner as other *Estates of Intestate* Persons are distributable by the Laws of this Province.

And be it further enacted, That the *first Judge* on the Bench in any of His Majesty's Courts, shall sign every Judgment without Fee, and set down the *Day* of the *Month* and *Year* of his so doing, upon the Paper or Docket, which he shall sign; which *Day* of the *Month* and *Year*, shall be also entered upon the Margin of the Record, where the said Judgment shall be entered, and such Judgments as against Purchasers *bona fide* for valuable Considerations of *Lands*, to be charged thereby, shall, in Construction of Law be Judgments only from such Times as they shall be so signed, and shall not relate to the *first Day* of the Term whereof they are entered, or to the *Day* of the Return of the Original or filing the Bail.

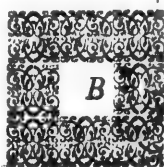
And be it also enacted, That no Satisfaction shall, at any Time, be entered on the Record of any Judgment, upon the Motion of any Attorney, except the said Attorney shall prove his Warrant for acknowledging such Satisfaction, by affidavit of *One* credible Witness in Writing, to be filed in the Office where such Judgment is entered.

And be it further enacted, That no Writ of *Execution* shall bind the Property of the Goods of the Party, against whom such Writ of *Execution* is sued forth, but from the Time such Writ shall be delivered to the Sheriff, Undersheriff or Coroner, to be executed; and the Sheriff, Undersheriff and Coroners shall, upon the Receipt of any such Writ, without Fee, indorse thereon the *Day* of the *Month* and *Year* whereon they received the same.





An Act to provide for the Support of *Bastard Children*, and the Punishment of the Mother and reputed Father.



Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Twenty fifth Day of March Instant, if any Woman shall be delivered of a Bastard Child, which shall be chargeable or likely to be chargeable to the Province, she having declared to the Midwife, or other Persons assisting her at the Time of Delivery, who the Father of such Child was, and shall have at some Time before, declared herself to be with Child, and that such Child is likely to be born a Bastard, and to be chargeable to any Place within the Province, and shall in either of such Cases, upon Examination to be taken in Writing upon Oath, before One Justice of the Peace near where such Place shall lie, charge any Person with having gotten her with Child; it shall and may be lawful for such Justice, upon Application made to him, by the Overseers of the Poor of such Place, or any One of them, or some substantial Householder of such Place, to issue out his Warrant to apprehend such Person so charged as aforesaid, and to bring him before him or some other of His Majesty's Justices, and to commit such Person to Goal or the House of Correction, unless he give Security to indemnify such Place from the supporting or maintaining such Child or Children, and shall enter into Recognizance with sufficient Security for his Appearance at next Quarter Sessions where he shall be continued on Recognizance till the Woman is delivered of such Child or Children. Provided That if such Woman shall die or be murthered before she be delivered or Miscarry of such Child or Children, or that she bear not to have been with Child at the Time of her Examination, such Person shall be discharged from his Recognizance at the next Sessions, or immediately released out of Custody, if committed.

And be it further enacted, That any two Justices of the Peace near the Place where any Bastard Child shall be born, upon Complaint made by the Overseers of the Poor or any One of them, or of some substantial

Householder,

Householder, upon due Examination of the Cause and Circumstances, shall and may, by their Discretion make an Order for the Relief of such Place, or Children, and for keeping such *Bastard Child*, and that said Mother or reputed Father of such *Child* or *Children*, shall find sufficient Security that such *Child* shall not become Burthenfome or Chargeable to any Place, in said Province, or pay the Sum of *Twenty Pounds*, which shall be paid into the Hands of the Overseers of the Poor for the Support of such *Child* or *Children*, or other Town Uses. And if, after the said Order made by said Justices, and by them subscribed and directed to the Overseers of the Poor, any of said Persons, *viz*, Either the Father or Mother, upon Notice thereof, shall not for his or her Part observe and perform said Order, then such Party, making Default, to be committed to Goal or House of Correction for the Space of *six Months*, except he or they shall give sufficient Security to perform said Order, or else personally appear at the next *Quarter Sessions* and abide by such Order as shall be made at said *Sessions* in that behalf, and if no Order shall be made at said *Sessions*, then to abide by the *first* Order.

And it is hereby further enacted, That in Case any Woman shall accuse or charge any Man with having gotten her with Child, though the Woman be not with Child, or that the Child be not really his, but appears to be only a Contrivance to defame the Person, or cheat him of his Money, that in such Case the said Woman shall be sent to the House of Correction, there to be whipp'd and remain for the Space of *six Months*.

Provided nevertheless, That if any Person shall think himself wrongfully charged, or if the Person charging him be a Woman of ill Fame or a Common Whore, in such Cases, upon giving Security to abide the Judgment of the Court, he may appeal from the Order of the Justices, to the next *Sessions*, when the whole Cause may be heard and tried by such Court, on the Verdict of a Jury.



An Act for punishing Criminal Offenders.

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That if any Person shall presume willfully to blaspheme the Holy Name of God, Father, Son, or Holy Ghost, or to deny, curse or reproach the true God, his Creation or Government of the World, or to deny, curse, or reproach the Holy Word of God, that is, the Canonical Scriptures in the Books of the Old and New Testament; every such Offender, being thereof duly convicted at the Court of Assize and General Gaol Delivery, or Sessions of the Peace, shall be set twice in the Pillory, for the Space of One Hour each Time, or be imprisoned for three Months, at the Discretion of the Court where such Offender shall be convicted.

Cap. 2.

And be it further enacted, That if any Person shall prophanely swear or curse in the Presence or Hearing of any Justice of the Peace, or shall be thereof convicted by the Oath of One credible Witness, or by the Confession of the Party, before any Justice of the Peace, every Person offending shall forfeit, to the Use of the Poor of the Town where such Offence shall be committed, for the First Offence two Shillings, and in Case such Person shall, after Conviction, offend a Second Time, such Person shall forfeit double, and if a Third Time, Treble the Sum to be paid for the First Offence, and upon Neglect of Payment, the Justice shall issue his Warrant to a Constable, commanding him to levy the said Forfeitures by Distress and Sale of the Goods of such Offender, and the Forfeiture, when paid or levied, shall be delivered to the Overseers of the Poor for the Use of the Poor as aforesaid; and in Case no Distress can be had, such Offender, being above the Age of Sixteen Years, shall by Warrant of the Justice, be set in the publick Stocks for One Hour for every single Offence, and for any Number of Offences whereof he shall be convicted at One Time, two Hours; and if the Party offending be under the Age of Sixteen Years, and shall not pay the Forfeitures, he shall, by Warrant of the Justice, be whipped by the Constable, or by the Parent, Guardian, or Master of such Offender, in Presence of the Constable; Provided al-





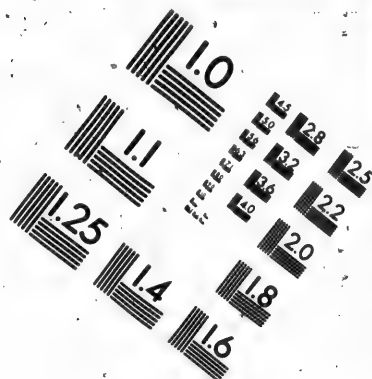
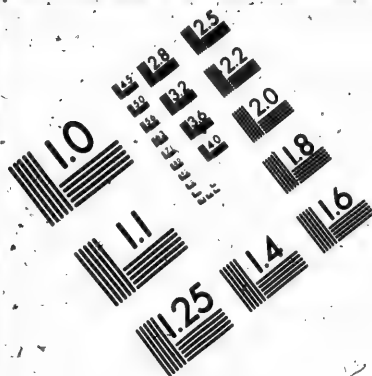
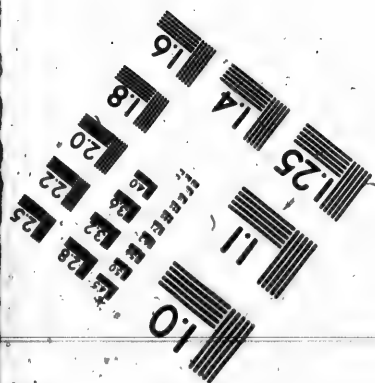
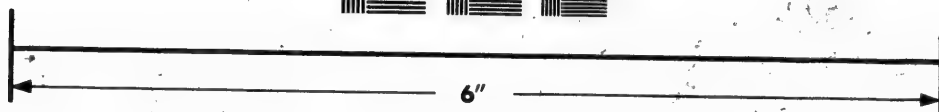
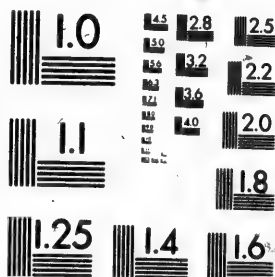


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ways, That every such Offence be proved or prosecuted within *Ten Days* after the Offence committed.

And be it further enacted, That every Person who shall by View of any Justice of the Peace, or Confession of the Party, or Oath of One credible Witness before any such Justice, be convicted of *Drunkennes*, shall forfeit and pay for the use of the Poor of the Town where such Offence is committed, the Sum of *five Shilings*, to be levied, on Neglect or Refusal to pay the same, by Warrant of Distress and Sale of the Offenders Goods, and the said Sum, when paid or levied, shall be delivered to the *Overseers of the Poor* for the Use of the Poor as aforesaid, and for Want of such Distress, such Offender shall be set in the *Stocks*, for any Time not exceeding *three Hours*, at the Discretion of the Justice or Justices before whom such Offender shall be convicted. And upon a *Second Conviction of Drunkennes* in like manner as aforesaid, every such Offender shall, over and above the Penalty aforesaid, be bound with *two Sureties*, in the Sum of *Ten Pounds*, with Condition for the *good Behaviour*, and for Want of such Sureties, such Offender shall be committed to the *Common Gaol*, until he shall find the same; *Provided*, That every such Offence be proved or prosecuted within *Ten Days* after the Offence committed.

And be it further enacted, That the Justices of the Peace shall register all the Convictions made before them, of such *prophane Swearing, Cursing or Drunkennes*, and shall certify the same to the next *Quarter Sessions*, to be kept upon Record by the *Clerks of the Peace*, to be seen without Fee.

And be it also enacted, That if any Action shall be brought against any Justice of the Peace or Officer for any Proceedings on the said Offences in Pursuance of this Act, the Defendant may plead the *General Issue*, and give the *special Matter* in Evidence, and if the Plaintiff shall be *Non suit*, or a Verdict shall be found for the Defendant, such Defendant shall have *Treble Costs*.

And be it further enacted. That every Person duly convicted at the Court of *General Gaol Delivery*, or *Quarter Sessions*, of *counterfeiting or impairing, diminishing or imbasing any Foreign Coins*, current in the Province, by *washing, clipping, rounding, filing, or scaling* of the same, or of uttering any counterfeited or impaired Coin, knowing the same to be so counterfeited or impaired, shall be set in the *Pillory*, by the Space of *One whole Hour*, and One of the *Ears* of such Offender shall be nailed thereto, and such Offender shall also be publicly whipped thro' the *Streets of the Town* where such Offence shall be committed, and shall pay all *Charges* of the Prosecution.

And be it further enacted, That every Person convicted as aforesaid, of buying or receiving any *clippings, sealings, or filings of Money*, shall forfeit the Sum of *Twenty Pounds*, *One Moiety* thereof for the Support of His Majesty's Government in this Province, and the other *Moiety*, to him or them who shall inform and sue for the same, and also be imprisoned for the Space of *three Months*.

And be it further enacted, That if any Person shall forge or counter-

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feit, or procure to be forged or counterfeited or willingly assist in the forging or counterfeiting, any Deed or Writing sealed, or last Will or Testament, or shall publish or shew forth in Evidence, any such forged or counterfeited Deed, Writing sealed, or last Will or Testament, as true, knowing the same to be false; or if any Person shall forge or counterfeite, or procure to be forged or counterfeited, or willingly assist in the Forging or Counterfeiting, any Bond, Writing Obligatory, Bill of Exchange, Promissory Note for the Payment of Money, or any Indorsement, or Assignment of any Bill of Exchange, or such Promissory Note for Payment of Money, or any Acquittance or Receipt either for Money or Goods, or any Discharge of any Action, Account, Debt, Demand, or any personal Thing, with Intention to defraud any Person, or shall utter or publish as true, any forged or counterfeited Bond, Writing Obligatory, Bill of Exchange, or such Promissory Note for the Payment of Money, or such Acquittance, Receipt, or Discharge, with Intention to defraud any Person, knowing the same to be forged or counterfeited; every such Person, being thereof convicted at the Court of Assize, and General Gaol Delivery, or Sessions of the Peace, shall be set in the Pillory, and there have One of his Ears cut off, and shall also suffer Imprisonment for the Space of One Year without Bail or Mainprize; and the Party grieved shall recover his double Costs and Damages, to be assessed in the Court where such Conviction shall be: *Provided always, and it is hereby enacted*, That this Act nor any Thing herein contained, shall not extend to charge any Judge of Probate, or any Register, for any of the Offences aforesaid, for putting their Seal of Office to any Will to be exhibited to them, not knowing the same to be forged or counterfeited, or for Writing of the said Will or Probate of the same, nor to any other Person or Persons that shall shew forth or give in Evidence, any false or forged Writing for true or good, being not Party or privy to the Forging of the same, not knowing the same to be false or forged.

And be it further enacted, That if any Person or Persons, either by the Subornation, unlawful Procurement, sinister Persuasion or Means of any other, or by their own Act, Consent, or Agreement, shall willfully or corruptly commit Perjury, by his, her, or their Deposition in any Court of Record, or being examined *ad perpetuam rei memoriam*, every Person so offending, and being thereof duly convicted, shall forfeit Twenty Pounds, the One Moiety thereof for the Support of this His Majesty's Government, and the other Moiety to such Person or Persons as shall be grieved by Reason of the Offence, that shall sue for the same by any Action of Debt, Bill, Complaint, or Information in any Court of Record; and shall also be imprisoned by the Space of six Months without Bail or Mainprize: And the Oath of such Person or Persons shall not be received in any Court of Record, until such Time as the Judgment given against the said Person or Persons shall be reversed, and upon every such Reversal, the Parties aggrieved shall recover their Damages against such Person or Persons, as did procure the said Judgment so reversed, to be given against them or any of them, by his, her, or their Action upon the Case, according to the Course of the common Law.

And if the said Offender or Offenders shall not have any Goods or

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Chattels to the Value of *Twenty Pounds*, then he, she, or they shall be set on the *Pillory*, by the Space of *One whole Hour*, and both his *Ears* shall be nailed to the *Pillory*, and from thenceforth such Offender shall be discredited and disabled for ever to be sworn in any *Court of Record*, until such Time as the *Judgment* shall be revealed.

And be it further enacted, That every Person and Persons who shall unlawfully and corruptly procure any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or Means whatsoever, to commit any *willful* and *corrupt Perjury* in any Matter or Cause whatsoever, depending or that shall depend in Suit and Variance by any Writ, Action, Bill, Complaint or Information in any *Court of Record*, or to testify in *perpetuam rei memoriam*; every such Offender being thereof duly convicted, shall suffer the like Pains, Penalties, Forfeitures, and Disabilities in all Respects as are hereby directed for the like Offences, and the said Forfeiture to be recovered and applied in manner as aforesaid.

And be it further enacted, That as well the *Judges* of the said *Courts*, where such *Perjury* shall be committed, as also the *Justices of Assize* and *Gaol Delivery*, and the *Justices of the Peace* at their *Quarter Sessions*, shall have Power to inquire of all the said Offences of *willful Perjury*, and Subornation of *Perjury*, thereupon to give *Judgment*, award Process and Execution of the same.

Provided That the Authority of any *Judge*, having absolute Power to punish *Perjury* before the making this Act, shall not be restrained, but that they may proceed in the Punishment of the same, in such wise as they might have and used to do, so that they set not upon such Offenders, less Punishment than is before directed.

And be it further enacted, That if any Person or Persons shall falsely and deceitfully obtain or get into his, her, or their Hands or Possession, any Money, Goods, Chattels, Jewels or other Things of any other Person or Persons, by colour and means of any *privy false Token*, or *counterfeit Letter* made in another Mans Name, to a special Friend or Acquaintance, for the obtaining of Money, Goods, Chattels, Jewels or other Things, and shall be thereof convicted in any *Court of Oyer and Terminer*, *Court of Assize* and *General Gaol Delivery*, or *Quarter Sessions of the Peace*; every such Offender shall suffer such Punishment by Imprisonment, setting upon the *Pillory*, publick Whipping, or hard Labour in the House of Correction, as such *Court* where the Offender shall be convicted, shall in their Discretion adjudge.

And be it further enacted, That if any Person or Persons, above the Age of *Fourteen Years*, shall be convicted by Confession, or by the Oath of *One* credible Witness, before any *Justice of the Peace*, of making or publishing any Lye, Libel, or scandalous Report, tending to the Defamation or Damage of any Person, or shall, with Intent to abuse and deceive others, invent or spread any false News; every such Offender shall be fined at the Discretion of such *Justice*, in any Sum, not exceeding

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Five Pounds, to be paid to the Overseers of the Poor, for the Use of the Poor of the Town where the Offence shall be committed, and shall be bound in a Recognizance, with two Sureties, for the Good Behaviour, during such Time as the Justice shall think meet, and upon the Neglect or Refusal of such Offender to pay the Fine, such Justice may issue his Warrant for levying the same by Distress and Sale of the Offenders Goods; and in Default of such Distress, may either commit the Offender for One Month, or may order such Offender to be set in the Stocks for three Hours, or to be whipped, at the Discretion of the Justice, upon the Nature and Circumstances of the Offence, and such Offender may be committed untill the Sureties hereby required, shall be found for the Good Behaviour. And the Party or Parties injured shall and may be at Liberty, notwithstanding such Fine or Punishment, to proceed against such Offender or Offenders by Suit in any Court of Record, for any Special Damage sustained by Reason of such Defamation.



An Act relating to the Assize of Bread, and for Ascertaining the Standard of Weights and Measures.

WHEREAS great Frauds are daily committed in this Province, because no Standard for Weights and Measures, or Assize of Bread, have hitherto been established,

It is therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That all Weights and Measures used in this Province, shall be according to the Standard of the Exchequer of England:—And that the Treasurer of the Province, as soon as may be, procure a Sett of Measures, Long, Liquid, and Dry, and a Sett of Brass Weights and Scales, and that until such Weights and Measures shall arrive, the Weights at His Majesty's Ordnance Store shall be the Standard. And the Clerks of the Market for each Town, shall procure therefrom, a Sett of Weights according to such Standard, which shall remain with them as Assay Weights, and shall be marked with the Letters G^{II}: R:

And be it further enacted, That every Inhabitant of each Town respectively, making Use of Weights and Measures in the Sale of any Com-

modity

modity shall, in *One Week* after publick Notice given by such Clerks respectively, bring or cause to be brought, their *Weights* and *Measures* to be *assayed*, for each of which *Assay* he shall have *two Pence* for his Trouble and no more, and the said Clerk shall cause such *Weights* and *Measures* to be branded or stamp't with the *Initial Letter* of the Town where such *Assay* shall be made. And whosoever shall thenceforward, sell or vend any Commodity by *Weights* or *Measures* not so branded or marked, shall forfeit for every such Offence *Twenty Shillings*, on due Conviction thereof, before any *One* of His Majesty's Justices of the Peace for the County wherein the Offence shall be committed, to be levied by Warrant of Distrels, and Sale of the Offenders Goods.

And for the more effectual preventing such Frauds, be it further enacted, That the said Clerks shall and are hereby impowered, to inspect all *Weights* and *Measures*, and for that Purpose once in *three Months*, or oftener if they see Cause, shall visit every Inhabitant selling publicly by *Weights* and *Measures*, and shall have full Power and Authority to seize all such, not stamp't or branded as aforesaid, and may *Assay* and mark and dispose of the same for their Use, as a Satisfaction for their Trouble therein; and if any Person shall hereafter be convicted of Selling by *Weights* and *Measures* less than the *Standard* hereby established, he shall forfeit the Sum of *Ten Pounds*, to be recovered by Bill, Complaint, or Information, in any of His Majesty's Courts of Record.

And for preventing Frauds in the Affize of Bread, be it enacted, That the Clerks of the Market be and are hereby impowered to visit every *Bake-House*, or the House of any other Person, selling Bread, and to seize all such as shall be found under the *Weight* and *Affize*, established by this Act as follows, viz.

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Twelve Shillings the 112lb. avoirdupoize,

The Sixpenny Loaf of the same shall weigh

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And that it shall and may be lawfull for said Clerks to stop, and examine the Bread that may be carried through the Streets, by any Person or Persons, either for immediate Sale, or the Supply of his or their Customers, and in like manner to seize all such as shall be found under the *Weight* and *Affize*.

And be it further enacted. That every Baker within this Province, shall and are hereby required to mark his Bread with the first Letter of his Christian and Sirname, which, upon Failure thereof shall be seized,

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and such Bread, so seized, shall be forfeited, and delivered to the *Over-
seers of the Poor* of the Town where the Offence is committed, for the
Benefit of the Poor or Prisoners.

Provided always, that if any Person shall think himself aggrieved by such
Seizure, he may apply for Redress to any of His Majesty's Justices of the
Peace for the County, who is hereby empowered to determine the same,
if Application be made within *Twelve Hours* after the Seizure be made.

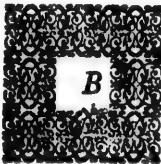
And be it further enacted, That if any Person making Use of *Weights*
and *Measures*, or selling Bread, shall refuse Admittance to any of the
said Clerks declaring the Intent of their coming to discharge the Duty
of their Office, he shall for every such Refusal, forfeit the Sum of
Twenty Shillings, to be recovered before any *One* of His Majesty's
Justices of the Peace.

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An Act declaring what shall be deemed a *Pub- lication* of the *Province Laws*.

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*Be it enacted by His Excellency the Governor, Council,
and Assembly, and by the Authority of the same it is here-
by enacted*, That the *Publick Reading* any *Law* of this
Province, by the Provost Marshal or his Deputy, on the
Parade of Halifax, after Notice by *Beat of Drum*, shall
be deemed a sufficient Publication thereof.

Cap. 31

And all Laws, already published in that manner, are hereby declared
to have been in Force accordingly, from the Time of such Publication.

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An Act for preventing Persons leaving the Province without a Pass.

WHEREAS Injustice may be done to Creditors by Persons in their Debt, privately leaving the Province, and great Inconveniences have likewise arisen, from Seamen in the Royal Navy and Soldiers being secretly conveyed away. For preventing thereof,

BE it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That all and every Person or Persons, intending to leave this Province, shall put up their Names publicly at the Secretary's Office, for the Space of seven Days, before they shall obtain any Pass, with the Day and Year when they put up their Names, and in Case said Person or Persons are not, within said seven Days, underwrote in manner as has been usual, that then and in such Case, it shall and may be lawful for the Secretary or his Deputy, and they are hereby required, to grant said Person a Pass, for which he shall receive *One Shilling only*. And in Case said Secretary or his Deputy shall refuse a Pass to any Person or Persons that have complied with the Rules prescribed by this Act, he or they shall forfeit the Sum of *Fifty Pounds*, to be recovered by Bill, Plaint or Information in any of His Majesty's Courts of Record in this Province, and for the Use of the Person grieved.

And be it further enacted, That the Pass for Persons leaving this Province shall be in the following Words.

" Province of
" Nova-Scotia }

PERMIT

" this Province in the

" bound for

" having complied with an Act of this Province, for that

" Purpose,

" Dated

to depart

Master,

be or they

And

And be it further enacted, That whoſoever ſhall underwrite any Perſon or Perſons, ſo having their Names ſet up as aforeſaid, ſhall produce at the Secretary's Office an *Affidavit* made before One of His Maſteſs Juſtices of the Peace, which *Affidavit* ſhall remain in the ſaid Office, ſetting forth the Caſe in Writing, if a Debt, the Sum or Sums of Money that is due or owing to him or them, to be aſcertained as near as they poſſibly can, and by what Means it doth ariſe, whether by *Bill, Bond, Judgement, Promise, Covenant, or Account*. And when any Perſon ſo ſetting up their Names in the Secretary's Office as aforeſaid, ſhall be underwrote by any Perſon in mannner aforeſaid, that then and in ſuch Caſe, it ſhall be lawful for the Secretary or his Deputy, to take good and ſufficient Security from the Perſon or Perſons ſo underwritten, for the Sum or Sums that he or ſhe is underwrote for; which Security ſhall be in the following Words.

“ **KNOW** all Men by theſe Preſents, That We
 “ *and* of Halifax are firmly bound unto
 “ in the Sum of to the true Payment of which, We
 “ bind ourſelves, our Heirs and Assigns firmly by theſe Preſents. Witneſs
 “ our Hands and Seals this Day of

“ **THE** Condition of the above Obligation is ſuch, That whereas
 “ the above bound is underwrote by of
 “ Halifax aforeſaid, for the Sum of Now if the ſaid
 “ or they, their Heirs or Assigns will pay or
 “ cauſe to be paid to ſaid the ſaid Sum of or ſuch
 “ Sum as ſhall legally, upon Trial, appear to be due to ſaid
 “ then the above Obligation to be void, otherwiſe to remain in full Force
 “ and Virtue.”

For taking of which Bond the Secretary ſhall receive two Shillings and ſix Pence only.

Provided always, and it is the full Intention and Meaning of this Act, That the Perſons ſo underwriting, file their Actions in the next Inferior Court, after Security be given for their Debts then due, otherwiſe the ſame being pleaded, ſhall be a ſufficient Barr to their Action or Actions.

And be it further enacted, That any Perſon or Perſons that have been underwrote as aforeſaid, upon their giving Security, as before directed, are hereby intituled to receive their Paſs, in like manner as if they had not been underwrote. And the Secretary or his Deputy are hereby empowered to deliver the ſaid Bond ſo taken as aforeſaid, to the Perſon or Perſons that underwrote the Perſon ſo going away. And ſaid Bond ſhall be good and valid againſt the Security for the Recovery of ſuch Sum or Sums as the Perſon or Perſons, to whom the ſaid Bond is delivered, can make appear, upon Trial, was really due to him by the Perſon he underwrote, with the Coſts thereon.

And be it further enacted, That in Case any Person intending to leave the Province before the seven Days are expired, after Setting up his or her Name, may obtain their Pass from the Secretary or his Deputy, by giving sufficient Security and Entering into Bond as aforesaid, that said Security will pay all the Debts said Person going away, has contracted in the Province; which Bond shall be good and valid against said Security.

And it is hereby further enacted, That in the Out Ports of this Province, Passes may be obtained from the commanding Officer for the Time being, or from any other Person, whom the Governor or Commander in Chief shall appoint for that Purpose, who are hereby impowered to grant the same, in manner as prescribed by this Act.

Provided always, That nothing in this Act shall be construed to extend to the Restraining any Military Person or Persons from immediately departing the Province, with a special Permission under the Hand of the Commander in Chief of the Troops.

And be it further enacted by the Authority aforesaid, That if upon Trial, it shall appear that the Cause for underwriting any Person or Persons, setting up their Names in the Secretary's Office, to depart this Province, be vexatious and groundless, that then, and in such Case, the Person so underwriting, shall be liable to an Action of Damages, to be recovered as aforesaid.

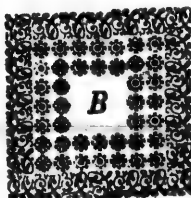
And be it further enacted, That no Master of any Ship or Vessel, going from the Port of Halifax, shall carry away any Person whatsoever, without a Pass signed by the Secretary of this Province or his Deputy, (except the Crew or Seamen brought with him in such Vessel, at his last Arrival) nor shall leave the said Harbour without Permission in Writing from His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the Time being of this His Majesty's Province: And the Master of any Ship or Vessel so offending contrary to the Tenor of this Act, shall forfeit the Sum of Fifty Pounds, to the Use of this Government, and be liable to pay all Damages, to be recovered by Bill, Complaint, or Information in any of His Majesty's Courts of Record in this Province, to be levied by Sale of the Offenders Goods and Chattels by Warrant under the Seal of said Court, and for want of such Goods and Chattels, the Person convicted, to be committed to some of His Majesty's Gaols for the Space of six Months.



An Act in Addition to, and Amendment of a Resolution of the Governor and Council of this Province, of the 14th of April 1755, intituled *An Act to prevent the cutting and splitting of Hides*; Revived this present Sessions of the *General Assembly*.

*W*HEREAS by a Resolution of the Governor and Council of this Province of the Fourteenth of April, One Thousand, seven Hundred, and Fifty Five, intituled, An Act to prevent the Cutting and splitting of Hides, it is among other Things enacted, That no Tanner or other Person whatsoever shall sell or expose to Sale any Leather, tanned, curried, or otherwise dressed or manufactured, within this Province, till the same has been viewed, stamped and marked, by the Surveyor of Leather, on Pain of forfeiting Twenty Shillings, and that such Surveyor should be paid for his Trouble therein, at the following Rates, viz. Three Pence for every Ox, Bull, Steer, or Cow Hide, and for every Calf Skin, One Penny.

And whereas it has been found by Experience, that the Viewing, Stamping, and Marking of Leather manufactured within this Province, has not answered the Design of the said Resolution, and the subjecting the Manufacturers of Leather to the Payment of Fees for Viewing, Stamping, and Marking the same, has proved a Discouragement to the Tanners and Curriers in this Province, by a Hindrance of their Time, and Lessening their Profits. In Order therefore, to encourage the Manufacturing of Leather within this Province, and to prevent Deceits and Defrauds therein,



It is enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Publication of this Act, all Leather Tanned, curried, or otherwise dressed, or manufactured within this Province, shall, (in lieu of being viewed, stamped, and marked by a Surveyor as in the said recited Resolution is directed) be stamped and

marked

marked by the Tanner, Currier, or other Person manufacturing the same with his or their *Signame*, and in Case any *Leather*, to be manufactured as aforesaid, shall be sold or offered to be sold, not being stamped or stamped, and marked as aforesaid, shall not be well and sufficiently tanned or curried, in a good and workmanlike Manner; in either Case, upon Complaint thereof being made to any One or more of His Majesty's Justices of the Peace, who by Virtue of this Act, shall have full Power and Authority to hear and determine the same, and upon Conviction thereof, upon the Oaths of two or more credible Witnesses, competent in such Matters, and upon View of such unstamped or defective *Leather* as aforesaid, shall adjudge the same to be forfeited and sold, and the Money arising thereby, after deducting reasonable Charges of Prosecution, shall be *One half* to the Prosecutor, and the other *half* shall be paid into the Hands of the *Overseers of the Poor*, for the Use of the *Poor* of the Town or Place, where such Conviction shall be made.



An Act for *Limitation of Actions*, and for avoiding Suits of *Law*.

32.

E it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That all *Actions* or *Suits*, either in *Law* or *Equity*, at any Time hereafter to be sued or brought, of or for any *Lands*, *Tenements*, or *Hereditaments*, within this Province, whereunto any Person or Persons now hath or have any Title, or cause, to have or pursue any such *Actions* or *Suits*, shall be sued and taken within *Twenty Years* next after the End of this present Session of the *General Assembly*; and after the said *Twenty Years* expired, no Person or Persons, or any of their Heirs, shall have or maintain any such *Action* or *Suit*, of or for any of the said *Lands*, *Tenements*, or *Hereditaments*; and that all *Actions* or *Suits*, either in *Law* or *Equity*, of or for any *Lands*, *Tenements*, or other *Hereditaments* whatsoever, at any Time hereafter to be sued or brought by Occasion or Means of any Title or Cause hereafter happening, shall be sued and be taken within *Twenty Years*, next after the Title and Cause of *Action* first descended or fallen, and at no Time after the said *Twenty Years*, and that no Person or Persons that now hath any Right or Title of Entry into any *Lands*, *Tenements* or *Hereditaments*,

now

now held from him or them, shall thereunto enter, but within *Twenty Years* next after the End of this present Session of the *General Assembly*, or within *Twenty Years* next after any other Title of Entry accrued.

And that no Person or Persons shall at any Time hereafter, make any Entry into any *Lands, Tenements, or Hereditaments*, but within *Twenty Years* next after his or their Right or Title, which shall hereafter first descend or accrue to the same, and in Default thereof, such Person so not entering, and their Heirs, shall be utterly excluded and disabled, from such Entry after to be made.

Provided nevertheless, That if any Person or Persons that is or shall be intitled, to such *Actions or Suits*, or that hath or shall have such Right or Title of Entry, be, or shall be at the Time of the said Right or Title first descended, accrued, come or fallen within the Age of *Twenty One Years, Feme Covert, non compos Mentis, imprisoned, or beyond the Seas*, that then such Person and Persons, and his and their Heirs, shall or may, notwithstanding the said *Twenty Years* be expired, bring his *Action or Suit*, or make his Entry, as he might have done before this Act; so as such Person and Persons, or his or their Heirs, shall within *Ten Years* next after his and their full Age, *Discovery, coming of sound Mind, Enlargement out of Prison, or coming into this Province, or Death*, take Benefit of, and sue for the same, and at no Time after the said *Ten Years*.

And be it further enacted, That all *Actions of Trespass quare Clausum fregit*, all *Actions of Trespass, Detinue, Action of Trover, and Replevin* for taking away of Goods and Cattle, all *Actions of Account* and upon the Case, (other than such Accounts as concern the Trade of Merchandize, between Merchant and Merchant, their Factors and Servants) all *Actions of Debt*, grounded upon any Lending or Contract without Specialty; all *Actions of Debt* for Arrearages of Rent, and all *Actions of Assault, Menace, Battery, Wounding, and Imprisonment*, or any of them which shall be sued or brought, at any Time after the End of this present Session of *General Assembly*, shall be commenced and sued, within the Time and Limitation hereafter expressed, and not after; (that is to say) The said *Actions* upon the Case, (other than for Slander) And the said *Actions* for Account, and the said *Actions* for *Trespass, Debt, Detinue, and Replevin* for Goods or Cattle, and the said *Action of Trespass quare Clausum fregit*, within *three Years* next after the End of this present Session of *General Assembly*, or within *six Years* next after the Cause of such *Action or Suits*, and not after: And the said *Actions of Trespass, of Assault, Battery, Wounding, Imprisonment*, or any of them, within *six Months* next after the End of the present Session of *General Assembly*, or within *One Year* next after the Cause of such *Actions or Suits*, and not after; and the said *Action* upon the Case for Words, within *three Months* after the End of the present Session of *General Assembly*, or within *six Months* next after the Words spoken, and not after.

And

And be it further enacted, That if in any of the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pats for the Plaintiff, and upon matter alledged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his *Plaint, Writ, or Bill*; or if any the said Actions shall be brought by *Original*, and the Defendant therein be outlawed, and shall after Reverse the *Outlawry*; that in all such Cases the Party Plaintiff, his Heirs, Executors, or Administrators, as the Case may require, may commence a new Action or Suit from Time to Time, within *One Year* after such Judgment reversed or such Judgment given against the Plaintiff, or *Outlawry* reversed, and not after.

And be it further enacted, That in all Actions of *Trespass quare Clamsum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim, in his or their Plea, to make any Title or Claim to the Land in which the *Trespass* is, by the Declaration, supposed to be done, and the *Trespass* be by Negligence or involuntary, the Defendant or Defendants shall be admitted to Plead a *Disclaimer*, and that the *Trespass* was by Negligence or involuntary, and a Tender or Offer of sufficient Amends for such *Trespass* before the Action brought, whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be enforced to join *Issue*, and if the said Issue be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be *non suited*, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and all other Suits concerning the same.

And be it further enacted, That in all Actions of *Trespass*, Actions for Assault and Battery, and all Actions for *slandorous Words*, to be sued or prosecuted by any Person or Persons after the End of this present Session of the *General Assembly*, if the Jury, upon the Trial of the Issue in such Action, or the Jury that shall enquire of the Damages, do find or Assess the Damages under *Forty Shillings*, then the Plaintiff or Plaintiffs in such Action, shall have and recover only so much Costs as the Damages so given or assessed, amount unto, without any further increase of the same: And if more Costs in any such Action be awarded, the Judgment shall be void, and the Defendant acquitted from the same. *Provided* That if the Judge at the Trial of any Action of Assault and Battery, or Action of *Trespass*, shall certify under his Hand upon the Back of the *Record*, that the Assault was sufficiently proved, or that the Freehold and Title of the Land, mentioned in the Plaintiff's Declaration, was chiefly in Question, or that the *Trespass* was voluntary and malicious, the Plaintiff, in such Case, shall recover his full Costs, though the Jury should find Damages to be under *Forty Shillings*.

Provided nevertheless, That if any Person or Persons that is or shall be intituled to any such Action of *Trespass, Detinue, Action of Trover, Replevin, Actions of Account, Actions of Debt, Actions of Trespass for Assault, Menace, Battery, Wounding or Imprisonment, Actions upon the Case for Words*, be or shall be at the Time of any such Cause of Actions given or accrued, fallen or come within the Age of *Twenty One Years, Feme Covert, non compos Mentis, imprisoned or beyond the Seas*; That then such

such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are before limited, after their coming to, or being of full Age, *Discreet*, of *Jane Memory*, at *large*, and returned from *beyond the Seas*, as by other Persons having no such Impediment, should be done.

And be it further enacted, That if any Person or Persons, against whom there is or shall be any Cause of Suit or Action of *Trespass*, *Detinue*, Actions of *Trover* or *Replevin*, for taking away any Goods or Cattle, or of Action of Account, or upon the Cate, or of *Debt*, grounded upon any Lending or Contract without Specialty, of *Debt* for Arrearages of Rent, or Assault, *Menace*, *Battery*, *Wounding*, and *Imprisonment*, or any of them be or shall be, at the Time of any such Cause of Suit or Action given or accrued, fallen or become *beyond the Seas*, that then such Person or Persons who is or shall be intitled to any such Suit or Action, shall be at Liberty to bring the said Actions against such Person and Persons after their Return from *beyond the Seas*, so as they take the same after their Return from *beyond the Seas*, within such Times, as are respectively limited for the bringing of the same, by this Act.

An Act to prevent unnecessary Firing off *Guns*, and other *Fire-Arms*, in the Town and Suburbs of *Halifax*.

Be it enacted by His Excellency the Governor, Council, and Assembly and by the Authority of the same it is hereby enacted, That if any Person or Persons, of what Age or Degree soever, from and after the Publication of this Act, shall unnecessarily fire out of any Gun, Fussee, Musket, Pistol or other Fire Arm, in any of the Houses, Streets, Lanes, Wharves, Yards, or Gardens in the Town or Suburbs of *Halifax*, every Person so offending, upon Conviction thereof, upon the Oath of One or more credible Witnesses, before any of His Majesty's Justices of the Peace, shall forfeit the Sum of *Ten Shillings*, to be levied by Warrant of Distress from such Justice, on the Offenders Goods and Chattels, and for Want of Goods or Chattels, such

Offender

Offender shall be committed to Goal for the Space of *Twenty four Hours*.

Provided that no Prosecution for Breach of this Act shall be admitted, unless Complaint be made thereof within *Twelve Hours*, at least, after the Offence committed.

All Forfeitures arising by Virtue of this Act, shall be *One half* to him or her who will prosecute for the same, and the other to the Use of this His Majesty's Government.



An Act in Addition to, and Explanation of an Act passed this Sessions, intituled, *An Act for Confirming the past Proceedings of the Courts of Judicature, and for Regulating the further Proceedings of the same.*

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WHEREAS by an Act made and passed this present Session of General Assembly, intituled, *An Act for the Confirming the past Proceedings of the Courts of Judicature, and for the regulating the further Proceedings of the same, it is among other Things enacted, "That in all Causes whatsoever (except Actions of Debt, or Actions grounded on Specialties) now depending or hereafter to be brought in the Inferior Court, wherein the Defendant or Defendants have or shall suffer Judgment to pass against him, her, or them by Default, the said Inferior Court is hereby impowered, and required, in Lieu of a Writ of Enquiry, to order a Jury to be sworn to Assess the Damages.*

And **WHEREAS** some Doubts have arisen what *Agreements in Writing, the Word Specialty may extend to, Be it enacted By His Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That hereafter, all Bills of Exchange, Notes of Hand, mutual Settlement and Adjustment of Accounts, or any Agreement in Writing wherein a certain Sum is specified and expressed, signed by the*

Defendant,

Defendant, shall have the Force and Effect of a *Specialty*; and the Court (wherein the Defendant shall be defaulted) is hereby impowered, upon the Plaintiff or his Attorney's filing such *Bill, Note, Settlement or Account*, or Agreement, with the Clerk of the Court, to make up *Judgment* without a Jury, as hath been heretofore practised.

And WHEREAS by the said Act it is further enacted, " That no Person or Persons who sever who now is, are, or hereafter may be a Freeholder and Inhabitant or Freeholders and Inhabitants, in this Province, and whose Freehold is free from Incumbrances, shall be arrested, imprisoned, or held to Bail, or his or their Goods, Chattels or Estate attached, unless the Plaintiff in such Action, shall make and subscribe an Affidavit in Writing before a Judge of the Court, or Clerk of the Court, from whence such Writ shall Issue, (who is hereby impowered to administer the same) that the Defendant is justly indebted to the Plaintiff in the Sum of Ten Pounds, or upwards, according to the present Rate of Currency in Halifax.

And WHEREAS altho' the Body of the Debtor may not be arrested, imprisoned, or held to Bail, for any Sum less than Ten Pounds, as by the said Clause is provided, yet it has been found prejudicial to the Creditors, their being restrained from attaching the Goods, Chattels, or Estate of the Debtor or Debtors, for any Sum or Demand under Ten Pounds, whereby great Frauds may be committed, by the Debtor conveying away or concealing his or her Estate and Effects, before Judgment can be rendered, and by Means thereof the Creditor may be defeated of Recovering any manner of Satisfaction for his or her Debt or Demand. In Order, therefore, to prevent the same,

Be it enacted by the Authority aforesaid, That in all Actions hereafter to be brought, when the Debt or Matter in Demand shall be of the Value of three Pounds or upwards, upon Affidavit in Writing being made and subscribed by the Plaintiff, or in Case of his or her Absence, then of his or her Attorney in Fact, Agent or Factor, setting forth that the Defendant in such Action is justly indebted to the Plaintiff, in the Sum of three Pounds or upwards, and the same being filed and the Writ marked as by the said Act is prescribed, it shall and may be lawful for the Provost Marshal of this Province, his Deputy, or other Person qualified to serve Writs, and they are hereby required, to attach the Goods, Chattels, or Estate of the Defendant or Defendants, any Thing in the said Act contained to the contrary notwithstanding.

And be it further enacted, That in all Actions hereafter to be brought in the Name of any Person absent from this Province, it shall and may be lawful for the Agent, Factor, or Attorney in Fact, of such Absentee, to make and subscribe an Affidavit in Writing, before a Judge of the Court or Clerk of the Court, from whence the Writ shall issue, (who is hereby impowered to administer the same) setting forth that the Defendant is justly indebted to the Plaintiff in the Sum of Ten Pounds or upwards, ac-

ording

according to the present Rate of Currency in this Province, and how the Debt or Demand arises; which Affidavit being filed in the Office of the Clerk of the said Court, shall be as effectual to all Intents and Purposes, as if made by the Principal or Plaintiff in such Suit: And the Judge or Clerk of the said Court who shall take the same, shall direct Bail to be taken, by indorsing the Writ in the same manner, *Mutatis Mutandis*, as in and by the said Act is prescribed: And by Virtue of such Writ, the Defendants Body may be arrested or imprisoned, or his Goods, Chattels, or Estates attached, any Thing in the said Act to the contrary notwithstanding.

And WHEREAS the Trial of Causes in a summary Way, before One or two Justices, hath been found very useful, and a means of Determining many Suits with little Cost,

Be it enacted by the Authority aforesaid, That the Inferior Court of common Pleas, be and are hereby impowered (in all Causes or Actions brought before them, the Sum Total whereof shall not exceed the Sum of five Pounds) to proceed in a summary Way, by Witnesses, to examine into the Merits of such Causes, wherein no dilatory Pleas shall be allowed, and to determine therein according to Law or Equity, and to make up Judgment accordingly, subject to an Appeal to the Supream Court when the Judgment shall be five Pounds, there to be determined in manner aforesaid. Provided always that when on the Examination of the Witnesses, the matters of Fact, from the Evidence, may be doubtful to the Court, in such Case they may order a Jury to be summoned to try the same.

And WHEREAS References and Awards have contributed much to the speedy Settlement of Accounts between Merchants, Tradesmen, and others, and to their Satisfaction,

Be it enacted by the Authority aforesaid, That, on Application made in Court by the Parties, or their Attorneys, Agents, or Factors, in any Action commenced there, that they mutually agree to leave the Matters in difference, to the Arbitration of indifferent Men, to be chosen by each Party, in such Case the Court shall appoint a Person to be joined to the said Arbitrators; and the Judgment or Award of the Majority, shall have the full Force and Effect of a Verdict; and the Court is hereby impowered to make up Judgment thereon, and award Execution accordingly.

And be it further enacted, That when any Merchants, Traders, or others, desire to End any Controversy, Suit, or Quarrel, by Arbitration or Award, it shall and may be lawful for any of His Majesty's Courts of Record, to receive and order such their Submission or Agreement in Writing, being first proved on Oath, to be entered with the Conditions thereof; and on the Return of the Award and Determination of the Arbitrators (or umpire, when so submitted) and the same being filed with the Clerk of the Court, on the First Day of the Court, the said Court is hereby impowered to enter the same, and make up Judgment, and award Execution thereon.

And

And be it further enacted, That in the vacancy of every Court, the Parties agreeing to a Submission may file and enter their Submission and Agreement with the Clerk of the said Court, and upon producing such Agreement of Submission in Writing, and an Affidavit thereunto annexed, of the Perfection thereof, with a Certificate of the Filing the said Submission, to any of the Judges of the Courts, such Judge is hereby impowered to order and direct that such Submission shall be received and made a Rule of Court, and that the Parties shall finally be concluded by the Arbitration and Umpirage; and it shall become a *Record* thereof, in the same manner, as tho' that Action had been commenced by Writ and Declaration.

Provided nevertheless that if Complaint be made to the Court, before the Entering of Judgment, that the Referees, Arbitrators, or Umpire, misbehaved themselves, and that such Award was unduly or corruptly procured; on Proof thereof, such Award shall be void, and shall be set aside by the said Court.

And be it further enacted, That no Action, wherein the Title of *Lands, Tenements, or Hereditaments*, may be called in Question, shall be determined in any of the manners beforementioned, but that all *Real Actions* shall be determined by Verdict of a Jury, as heretofore practised.

And be it further enacted, That when Witnesses may be judged necessary by the Parties, to clear up any of the Matters of *variance*, submitted to a Reference or Arbitration, the Justices of the Peace are hereby impowered to swear such Witnesses, to give their Evidence before such Referees or Arbitrators, and they are hereby impowered to examine the same; and if any Witness, being first summoned by the said Justice, shall refuse to be sworn or attend, (not having any just or reasonable Cause therefor, to be allowed of by the Arbitrators or the Majority of them) at the Time and Place appointed by the Referees or Arbitrators, and there give their Evidence, such Witness so failing herein; shall be liable to pay a Fine not exceeding *Ten Pounds*, to be levied by such Justice, by Warrant of Distress and Sale of the Offenders Goods.

And be it further enacted, That where any Person or Persons shall be summoned to give Evidence upon the Trial of any Issue between Party and Party, or in behalf of any Prisoner upon Trial, and such Person or Persons, so summoned, shall refuse or neglect to give his, her or their Attendance at the Time and Place mentioned in the Summons or Subpœna, (not having any just or reasonable Cause therefor, to be allowed of by the Court) or willfully withdraw himself or herself, before sworn, or shall willfully refuse to be sworn, or shall refuse to give his or her Evidence; in every such Case, the Party so offending, shall forfeit and pay to the Party grieved, the Sum of *Ten Pounds*, to be levied by Warrant of Distress and Sale, from the Court, on the Offenders Goods and Chattels. *Provided nevertheless* that no Person shall be obliged to give Evidence in any Cause before such Person be paid or secured their reasonable Charges for Attendance, to be allowed of and ordered by the Court.

And be it further enacted, That in all Actions of *Account* brought against any Bailiff or Factor, or other Person to whom Money or Goods have been delivered, with an Intent that the same shall be accounted for, before the *Inferiour Court of common Pleas*, or the *Supream Court*, on an Appeal, when the Defendant shall plead in his Defence any Plea that he ought not to account, it shall be tried by a Jury; and in Case the Verdict be found against him, the Court shall enter *Judgment* against him, *That he shall account*. And the Court are hereby empowered and directed to appoint *three* able, judicious, and indifferent Men, who shall be sworn faithfully to hear, examine, and adjust the Account or Accounts, and examine any Witnesses necessary to explain the same; and also to examine the Parties on Oath, to be sworn before any Justice of the Peace in manner aforesaid, and under the like Penalty on their Refusal: And when the Auditors shall have adjusted and settled the Accounts, on the Return thereof under their Hands, or the Major Part of them, with the Ballance thereof stated, the said Court is hereby empowered to enter *Judgment* agreeable thereto, and award *Execution* accordingly. *Provided* always that the Referees, Arbitrators, or Auditors, before they proceed to examine into the Merits of any Cause, submitted to them by the Court on Agreement of the Parties, or by *Bonds of Submission*, shall give Notice under their Hands, to all Parties concerned, of the Time and Place of their Meeting, at least *three Days* before their Sitting; and if any of the Parties shall refuse or neglect to attend them, they shall, nevertheless, proceed to make up their Award and Determination. *Provided* that if the Plaintiff or Defendant in such Action, his, or their Attorney, Agent or Factor, shall take Exceptions to such Report, or any Part thereof, and desire the same to be tried by a Jury, which they are hereby empowered to do, the said Court is hereby required to order a Jury to be sworn to try the same; and if, upon Trial of the Issue, and *Judgment*, either of the said Parties or their Attorneys or Agent, shall not rest satisfied therewith, the said Court is hereby required to allow of an Appeal, upon being moved for.

And be it further enacted, That in all Actions sued on *Book Accounts*, the Defendant in such Cause may file his Account against the Plaintiff, with the Clerk of the Court, *provided* the same be done at the Time the Defendant files his Plea with the Clerk of the said Court; and the said Court is hereby empowered, to proceed, on Issue joined, to inquire into the Merits of both Accounts, before *One* and the same Jury, and, on the Verdict of the Jury, to award Costs as they shall find, whether for the Plaintiff or Defendant; and where the Action shall be commenced on any *Bond, Bill, Note, or Agreement in Writing*, the Defendant may, in like manner, file his Receipts or Discharge for Part or the Whole, according as he hath made Payment; *Provided* such Receipt or Discharge be in Writing, signed by the Plaintiff or his Attorney lawfully empowered to receive the same; and the Court is hereby empowered to proceed to examine into the Merits of the same, in the same manner as in *Book Accounts*, between the Plaintiffs and Defendants, and equitably to reduce all such *Bonds, Notes, Bills, and Writings Obligatory*, to the just Debt, *with Interest, Damages and Cost*, according to the Nature of such *Writing, Deed, or Instrument*, and the Jury are hereby empowered to give their Verdict accordingly.

An



An Act directing the *Guardianship of Minors.*

E it enacted by His Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That, from and after the Publication hereof, where any Person shall have Children under the Age of *Twenty One Years*, and not married at the Time of his Death, it shall be lawful for the Father of such Children, whether born at the Time of the Decease of the Father, or at that Time in *Ventre sa mere*, or whether such Father be within the Age of *Twenty One Years*, or of full Age, by Deed executed, or by his last Will and Testament in Writing in the Presence of two credible Witnesses, to dispose of the Custody and Tuition of such Children, for such Time, as they shall respectively remain under the Age of *Twenty One Years* or any lesser Time, to any Persons in Possession or Remainder, other than Persons not *Protestants*, And such Disposition of the Custody of such Children shall be good, against all Persons claiming the Custody and Tuition of such Children, and such Person, to whom the Custody of such Children shall be disposed or devised, may maintain an Action of *Ravishment of Ward*, or *Trespass*, against any Person who shall wrongfully take away or detain such Child, and shall recover Damages in the said Action, for the Use of such Children.

And be it further enacted, That any Persons, to whom the Custody of such Children shall be so disposed or devised, may take into their Custody, to the Use of such Children, the Profits of all *Lands, Tenements*, or *Hereditaments*, and also the Management of the *Goods and Personal Estate* of such Children, till their respective Age of *Twenty One Years*, or any lesser Time, according to such Disposition, and may bring such Actions in Relation thereto, as such Children themselves might do if arrived at full Age.

And be it further enacted, That whensoever any Person, not being a *Protestant*, shall die seized of any such Estate in *Lands, Tenements*, or *Hereditaments*, for which his Heirs should be in *Ward*, his Heirs being under the Age of *Twenty One Years* at the Time of the Death of his Ancestor, it shall be lawful for the Governor, Lieutenant Governor, or Commander in chief of the Province for the Time being, after due Proof to him of the Death of such Person not being a *Protestant*, and of his Heir

being so under Age, to dispose of the Custody and Tuition of such *Heirs*, for such Time as they shall remain under the Age of *Twenty One Years*, or any lesser Time, to any Persons next of Kin to the *Heir*, being a *Protestant*, if they shall apply for the same; or in Default thereof to any other Person being a *Protestant* as aforesaid.

And be it further enacted, That the Governor, Lieutenant Governor, or Commander in Chief for the Time being, when and so often as there shall be Occasion, be and hereby is impowered to allow of *Guardians*, that shall be chosen by *Minors* of the Age of *Fourteen Years*, and to appoint *Guardians* for such as shall be within that Age, taking sufficient Securities of all such *Guardians*, for the faithful Discharge of the Trust, as hereinafter directed, and to account either to the Governor, Lieutenant Governor, or Commander in Chief, or *Minor* when such *Minor* shall arrive at full Age, or at such other Time as the said Governor, Lieutenant Governor, or Commander in Chief, upon Complaint to him made, shall see Cause.

And be it further enacted, That all such Persons to whom the Tuition and Custody of such *Heirs* shall be committed, shall first enter into Recognizance, to the Use of the said *Heir*, with good Sureties before the said Governor, Lieutenant Governor, or Commander in Chief, with Condition for the Educating the said *Heirs* in the *Protestant Religion*, and for the Management and Disposal of the Estates of such *Heirs* to their Use and best Advantage, and for the rendering a just Account of the Profits of such Estates, to the said Governor, Lieutenant Governor, or Commander in Chief, when thereto required, or to such *Heirs* when they shall come of full Age, and for the not committing any Waste thereupon: And such Disposition of the Custody of such *Heirs* shall be good against all Persons claiming the Custody or Tuition of such *Heirs*; and such Persons to whom the Custody of such *Heirs* shall be disposed as aforesaid, may maintain an Action of *Recovery of Ward or Trespass*, against any Persons who shall wrongfully take away or detain such *Heirs*, for the Recovery of such *Heirs*, and shall recover Damages in the said Action, for the Use of such *Heirs*.

And be it further enacted, That such Person, to whom the Custody of such *Heirs* shall be so disposed, may take into their Custody, to the Use of such *Heirs*, the Profits of all *Lands*, or *Tenements*, and also the Management of the *Goods* and *Personal Estate* of such *Heirs*, till their respective Age of *Twenty One Years*, or any lesser Time, according to such Disposition, and may bring such Actions in Relation thereunto as such *Heirs* might do, if arrived at full Age.

And be it further enacted, That if such Person to whom such Grant shall be made of the Custody of such Children, shall die before he hath yielded an Account unto the said *Heirs*, of the Profits of such *Lands* or *Tenements*, and the Management of such *Goods* and *Chattels*, deducting all necessary and just Charges, the *Heirs*, Executors, or Administrators of such *Guardian*, shall be liable, and yield a full Account unto the said *Heir*, his Executors and Administrators, of such Profits, *Goods*, and *Chattels*, *Real* and *Personal*, so received by the *Guardian*, for the Bene-

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fit of the said Heirs, deducting all necessary and just Charges as aforesaid, so far as they shall have *Assets* from the said *Guardian*, or in his Right at the Time of Demand of Satisfaction for the same; and if the said Children shall die before they shall attain to their Age of *Twenty One Years*, it shall be lawful for the *Executors*, or Administrators of such Children to call the Persons so trusted for the Benefit of them, and the Heirs, Executors, or Administrators, to an Account for the same.

Provided always that this Act shall not extend to discharge any *Apprentice*, from his Apprenticeship, or such poor Children, as may hereafter be bound out by the *Overseers of the Poor*, or such Children as may hereafter be found proper Objects of their Care, as is provided for by Law.

And forasmuch as it often happens, that Children are not born till after the Death of their Fathers, and also have no Provision made for them in their Wills, be it therefore further enacted by the Authority aforesaid, That as often as any Child shall happen to be born after the Death of the Father, without having any Provision made in his *Will*, every such *Posthumous* Child shall have Right and Interest in the Estate of his or her Father in like manner as if he had died *Intestate*, and the same shall accordingly be assigned and set out as the Law directs for the Distribution of the *Estates of the Intestates*.



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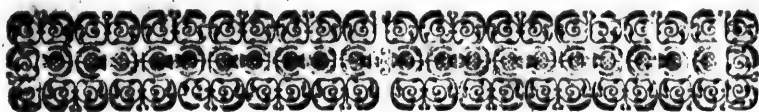
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I N D E X

TO THE

Laws of Nova-Scotia.

*First Assembly.
First Session.*

Page

- 1  N Act for confirming the Proceedings on the several Resolutions or Acts of the Governors and Council of this Province, relating to the Duties of Impost on Rum and other distilled Liquors, and enabling the late Collector or Receiver to recover the Monies unpaid for any Bonds or Notes remaining in his Hands; and for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other distilled Spirituous Liquors, for the future.
- 3 An Act for the better discovering and more effectually suppressing unlicensed Houses.
- 8 An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.
- 14 An Act for the confirming Titles to Lands and quieting Possessions, and for confirming a Resolution of the Governor and Council dated the 3^d February 1752, concerning the Registry of Lands in this Province.
- 17 An Act for the reviving and putting in full Force several of the Resolutions or Acts of His Majesty's Governors and Council of this Province heretofore made.
- 37 An Act for the granting Bounties and Premiums on the fencing and improving Lands, raising Grain, Roots, Hay, Hemp, Flax, and catching and curing Fish.
- 41 An Act for the better Observation and keeping of the Lord's DAY.
- 44 An Act directing the Proceedings against forcible Entry or Detainer.
- 45 An Act to prohibit the erecting of Distilling Houses or setting up Stills within the Town of Halifax, or within one Quarter of a Mile of the present Lines or Pickets of the said Town.

- 46 An Act for the granting unto His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors sold by Retail.
- 48 An Act for the Establishment of Religious Public Worship in this Province, and for suppressing of Popery.
- 51 An Act for establishing and regulating a Militia.
- 57 An Act for establishing the Rate of *Spanish* Dollars, and the Interest of Money within this Province.
- 58 An Act for erecting a Light-House at the Entrance of the Harbour of *Halifax*.
- 59 An Act for erecting a House of Correction or Workhouse within the Town of *Halifax*.
- 60 An Act to prevent forestalling the Market.
- 61 An Act for granting and establishing an Allowance to the Collectors of the Impost and Excise Duties.
- 62 An Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates.
- 67 An Act to prevent the Sale of Slop Cloathing, and for punishing the Concealers or Harbourers of Seamen or Marines, deserting from the Royal Navy.
- 69 An Act relating to Treasons and Felonies.
- 76 An Act for preventing Trespasses.
- 78 An Act for making Lands and Tenements liable to the Payment of Debts.
- 81 An Act for preventing Frauds by Butchers and Fishmongers.
- 82 An Act concerning Marriages and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony.
- 84 An Act for preventing Frauds and Perjuries.
- 87 An Act to provide for the Support of Bastard Children, and the Punishment of the Mother and reputed Father.
- 89 An Act for punishing Criminal Offenders.
- 93 An Act relating to the Assize of Bread, and for ascertaining the Standard of Weights and Measures.

- 95 An Act for the better regulating the Trade and Commerce of the Province.
- 96 An Act for the better regulating the Trade and Commerce of the Province.
- 99 An Act for the better regulating the Trade and Commerce of the Province.
- 100 An Act for the better regulating the Trade and Commerce of the Province.
- 103 An Act for the better regulating the Trade and Commerce of the Province.
- 104 An Act for the better regulating the Trade and Commerce of the Province.
- 109 An Act for the better regulating the Trade and Commerce of the Province.

95 An Act declaring what shall be deemed a Publication of the Province Laws.

96 An Act for preventing Persons leaving the Province, without a Pass.

99 An Act in Addition to and Amendment of a Resolution of the Governor and Council of this Province of the 14th of April 1755, intitled An Act to prevent the cutting or splitting of Hides, revived this present Sessions of the General Assembly.

100 An Act for Limitation of Actions and for avoiding Suits of Law.

103 An Act to prevent unnecessary Firing off Guns, and other Fire Arms in the Town and Suburbs of *Halifax*.

104 An Act in Addition to, and Explanation of an Act intitled, An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.

109 An Act directing the Guardianship of Minors, and for providing for Posthumous Children.



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At the GENERAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun
and holden at *Halifax*, on Mon-
day the 2^d Day of *October*, 1758,
in the 32^d Year of His Ma-
jesty's Reign, and there continued
by Prorogation untill Wednesday
the *First* Day of *August* 1759, in
the 33^d Year of His Majesty Reign.

April 1.
33^d Geo.
1759.

AN ACT

For regulating and maintaining an *House of Cor-
rection* or *Work-House* within the Town of
Halifax, and for binding out *Poor Children*.

Cap. 1.

HEREAS by an Act of the General Assembly of this
Province, intituled An Act for erecting an House of Correction
or Work-House within the Town of *Halifax*, made and
passed at their Session begun and holden at *Halifax* the Second Day
of *October*, One Thousand Seven Hundred and Fifty Eight; The Sum of Five
Hundred Pounds of the Monies then in the Treasury of the Province, collected
for the Duties on Spirituous Liquors, was appropriated for erecting an
House of Correction or Work-House within the Town of *Halifax*.

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Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Overseers of the Poor of the Town of Halifax be, and accordingly they hereby are authorized and impowered, when and so soon as, the said House of Correction shall be built and finish'd, to agree with some discreet and fit Persons to be the Master and Keeper, and needfull Assistants for the Care of the same; and to provide, at there shall be Occasion, suitable Materials, Tools, and Implements, necessary and convenient for keeping to work such Persons as may be committed to the said House; and generally, to inspect and direct the Affairs of the said House, and from Time to Time, to make such Rules and Orders as they shall judge best for the good Government thereof.

And be it further enacted, That it shall and may be lawfull for the Justices of the Peace in their General Sessions, or for any one Justice of the Peace out of Court, to send and commit to the said House of Correction, to be kept, govern'd, and punish'd according to the Rules and Orders thereof, all disorderly and idle Persons and such who shall be found begging, or practising any unlawfull Games, or pretending to Fortune-telling, common Drunkards, Persons of lewd Behaviour, Vagabonds, Runaways, stubborn Servants and Children, and Persons who notoriously mispend their Time to the Neglect and Prejudice of their own or their Family's Support; upon due Conviction of any of the said Offences or Disorders.

And be it further enacted, That the Master or Keeper of the said House of Correction, shall have Power and Authority to set all such Persons as shall be duly sent or committed to his Custody, to work and labour, if they be able, for such Time as they shall continue and remain in the said House; and to punish them by putting Fetters and Shackles upon them, if necessary, and by moderate whipping, not exceeding Ten Stripes at once, which (unless the Warrant of Commitment shall otherwise direct) shall be inflicted at their first coming in, and from Time to Time afterwards, at his Discretion, in Case of their being stubborn or idle, and neglecting to perform such reasonable Tasks as shall be assigned them, and to abridge them of their Food, as the Case may require, untill they be reduced to better Behaviour.

And be it further enacted, That no Person committed to the said House of Correction, shall be chargeable to the Government for any Allowance, either at going in or coming out, or during the Time of their Abode there: But shall be maintain'd out of their Earnings, and the Remainder thereof shall be accounted for, by the Master or Keeper of the said House; who shall keep an exact Account thereof, and render the same upon Oath, if required, to the said Overseers when demanded.

And be it further enacted, That if any Person or Persons committed to the said House of Correction be Idiots, or Lunatic, or Sick and weak, and unable to work, they shall be taken Care of and releived by the Master or Keeper of the said House, who shall keep an exact Account of what Char-

And he shall necessarily be at therein; to be render'd to the said Overseers, upon Oath, if demanded.

And be it further enacted, That the Pay of the Master or Keeper of the said House of Correction, and the Charge for any Materials, Tools, or Implements purchased as before-mentioned, or arising by the Relief of Persons unable to work, and other necessary Expences of the said House, shall be defrayed out of the Surplus of the Earnings of the Labour done in the said House, if the same shall be sufficient therefor; or otherwise, shall be advanced out of Money in the Treasury of the Province, to be issued by Warrant under the Hand and Seal of the Governor or Commander in Chief for the Time being, and His Majesty's Council of this Province, to be reimbursed to the said Treasury out of such Profits as may afterwards arise as afore-said.

And be it further enacted, That the said Overseers of the Poor shall take Order, from Time to Time, by and with the Consent of Two or more Justices of the Peace for the County of Halifax, for setting to work the Children of all such, whose Parents shall not, by the said Overseers, or the greater Part of them, be thought able to keep or maintain them, or any Poor Orphans; or by Indenture to bind any such Children or Orphans as afore-said, to be Apprentices, where they shall see convenient, till such Man Child shall come to the Age of Twenty One Years, and such Woman Child to the Age of Eighteen Years, or the Time of her Marriage; the same to be as effectual to all Purposes as if such Child were of full Age, and by Indenture of Covenant had bound him or herself. *Provided always,* That one of the Conditions of said Indentures shall be, that if the said Master or Mistress of said Apprentice, or other Person to whom said Indenture may be assigned, shall transport or carry said Apprentice out of this Province, to reside or dwell in any other Colony or Plantation, that then the said Indenture shall be void and of none Effect, and the said Apprentice shall thenceforth be discharged from any further Service to his said Master, Mistress or Assigns. *Provided also,* That the Children maintain'd and supported in the Orphan-House at the Expence of the Crown, shall remain and be under the Direction of the Governor as heretofore, and bound out in such manner as he shall order and direct.

An Act for regulating and maintaining a Light-House on Sambro Island.

2. *HEREAS* by an Act of the General Assembly of this Province, intituled An Act for erecting a Light-House at the Entrance of the Harbour of HALIFAX, made and passed at their Session begun and bolden at Halifax, the Second Day of October, 1758, The Sum of One Thousand Pounds out of the Monies then in the Treasury of the Province, collected from the Duties on Spirituous Liquors, was appropriated for the erecting a Light-House on the Island commonly called and known by the Name of SAMBRO Outer-Island, at the Entrance of the Harbour of Halifax: And it was enacted, That untill such Light-House should be erected the Commissioners appointed for carrying the said Act into Execution, should cause a Beacon and Light to be placed on the said Island for the Benefit of Vessels coming into the said Harbour.

Be it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That from and after the First Day of September next, there shall be paid by the Master of every Merchant Vessel coming into or going out of the Harbour of Halifax, at her going out of the said Harbour, (other than Coasters and fishing Vessels, and such Transport or other Vessels employed in His Majesty's Service as shall, by their Charter Party, be exempted from paying Port Charges) a Duty of Six Pence per Ton Currency, for so many Tons as shall appear to the Satisfaction of the Receiver, or by the Oath of the Master, (which Oath the said Receiver is hereby authorized to administer) to be the real Burthen thereof.

Provided, That all Ships or Vessels wholly belonging to any Person, that is a Freeholder and Inhabitant in the Province, shall only pay Four Pence per Ton: The said Duty to be paid before clearing the said Vessel, to such Person or Persons as shall hereafter be appointed by his Excellency the Governor for that Purpose; who are hereby authorized to demand and receive the same, and upon Refusal of Payment, to sue for and recover the said Duty before Two of His Majesty's Justices of the Peace, or in Case the Sum shall not exceed Forty Shillings, before One Justice.

And be it further enacted, That no Vessel shall be deemed a fishing Vessel, within the meaning of this Act, excepting such as shall be wholly employed in that Business, nor shall any Vessel be deemed a Coaster, excepting such as shall be wholly employed within the Province.

And

And be it further enacted, That every Coasting Vessel shall pay, in Lieu of the said Duty, at the Rate of *Twenty Shillings* per Annum, and no more, to be received and recovered in manner as aforesaid.

And be it further enacted, That all Monies arising by the aforesaid Duty shall be paid into the Treasury of the Province, and be applied to- wards the Support of the said *Light-House*; to be issued for the said Pur- pose, by Warrant under the Hand and Seal of the Governor or Com- mander in Chief for the Time being, of the Province; and in Case there be more Monies raised than is necessary for the Support of the said *Light- House*, the Surplusage to be applied to the Uses of the Government.

An Act for the Quieting of Possessions to the
Protestant Grantees of the Lands formerly oc-
cupped by the *French* Inhabitants, and for pre-
venting vexatious Actions relating to the same.

‘ *W* H E R E A S this Province of *Nova-Scotia* or *Accadie*, and the Property thereof, did always of Right belong to the Crown of *England*, both by Priority of Discovery and ancient Possession, and that no Grant of Property to any of the Lands or Territories belonging thereto, is of any Validity, or can give the Possessor thereof any legal Right or Title to any Part thereof, unless derived from thence.

‘ And whereas by a Treaty of Peace concluded at *Utrecht*, in the Year of our Lord, *One Thousand, Seven Hundred and Thirteen*, between her most Sacred Majesty *Ann of Glorious Memory*, Queen of *Great-Britain*, &c. And His most Christian Majesty, it was concluded and agreed on, that all *Nova-Scotia*, or *Accadie*, with it's ancient Boundaries, and all other Things in those Parts which depend on the said Lands, toge- ther with the Dominion, Property, and Possession of the said Lands and Places, and all Right whatsoever by Treaties or any other Way at- tained, which the most Christian King, the Crown of *France*, or any other the Subjects thereof, had to the Lands and Places, and to the Inhabitants of the same, are yielded and made over to the Queen of *Great-Britain*, and to her Crown for ever.

‘ And whereas at the Time of that Cession, many of the *French* King's Subjects did reside and dwell within this His Majesty's Province of *Nova-Scotia*, and did not remove from the same, within the Space of *Twelve Months*, according to the Limitation of that Treaty, whereby they and their Posterity became Subjects of the Crown of *Great-Britain* in every Respect; notwithstanding which, contrary to their Allegi- ance, they began from that Time, an continued at all Times to aid, assist, and support and join with His Majesty's Enemies; and altho' His Ma-

2. jesty, notwithstanding their manifest Treasons and Rebellion, in order
 to extend His Indulgence towards them, and if possible to reclaim and
 reduce them to His Obedience, was most graciously pleased, by His
 Royal Instructions to the Governors of this Province, to declare that
 the said *French* Inhabitants should have the peaceable Possession of such
 Lands as were under their Cultivation, *Provided*, That they the said In-
 habitants should within *Three Months* from such Time as should be
 thought proper by the Governor, take the Oath of Allegiance appoin-
 ted to be taken by the Laws of *Great-Britain*, and likewise behave
 themselves as became good Subjects: And altho' several Proclama-
 tions had hitherto been issued by His Majesty's Governors of this Pro-
 vince, requiring their Oath of Allegiance, yet so far were they from ob-
 obeying the same, that by a general Deputation of their principal Men,
 before His Majesty's Governor and Council, they absolutely refused to take
 the said Oaths so required of them, but on the contrary did still continue
 to aid, assist, and join with His Majesty's Enemies, and *Five Hund-*
red of them were found in Arms, within the Fort of *Beaufour* when
 the same was surrendered, and many of them, in Company with the
 Indian Savages, did frequently commit many horrid and barbarous
 Murders on His Majesty's Protestant liege Subjects, who were endea-
 vouring to settle themselves on the Lands within this Province, whereby
 the Progress of the Settlement of this Province, with His Majesty's Pro-
 testant Subjects was retarded, and the Crown put to an excessive great Ex-
 pence, to defend and protect them; and also by such their treacherous
 Practices, His Majesty's most gracious Designs, as well towards them,
 as also towards His said Protestant Subjects, were frustrated; and had
 they not been timely removed by the Prudence and Vigilancy of His
 Excellency the present Governor, from the said Lands and Territories,
 into other His Majesty's Dominions, this invaluable Province, during
 the Course of this War, must inevitably have fallen into the Hands
 of His Majesty's Enemies the *French*.

7. And *whereas* since the Removal of the said *French* Inhabitants, His
 Excellency the Governor, in order to make an effectual Settlement in
 this Province, and to strengthen the same, has been pleased to make
 Grants of Townships to many substantial and industrious Farmers Pro-
 testants, His Majesty's Subjects of the Neighbouring Colonies, in which
 Townships are contained some of the Lands formerly occupied by the said
French Inhabitants; and as many other substantial and industrious Far-
 mers, Protestants, are daily applying for Grants of Townships, wherein such
 Lands will be comprehended: And as some Doubts have arisen among the
 said Persons intending to settle the said Lands, concerning the Title of the
 said *French* Inhabitants to any of the said Lands, that may fall within
 their Townships: And altho' the said *French* Inhabitants have not,
 nor ever had, any legal Right or Title to the said Lands, derived from
 the Crown of *Great-Britain*, yet in order to remove such Doubts,
 and to prevent any troublesome or vexatious Suits of Law that may

hereafter

• hereafter be brought for the Maintenance of any such Right or pretended Right to any of the Lands within this Province, formerly possessed or occupied by the said *French* Inhabitants;

Be it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That no Action shall be retained in any of His Majesty's Courts of Record in this Province, for the Recovery of any of the Lands, within the same, by Virtue of any former Right, Title, Claim, Interest, or Possession, of any of the former French Inhabitants, or by Virtue of any Right, Title, Claim, or Interest, holden under or derived from them, by Grant, Deed, Will, or in any other manner whatsoever.

And be it further enacted, That when any Action shall be brought for the Recovery of any Lands within this Province, and it shall appear upon Evidence, that the Grounds of such Action is founded upon any such Right, Title or Possession of the said French Inhabitants, or derived from them as aforesaid, that then this Act may be pleaded in Bar to all such Actions: And all His Majesty's Judges and Justices of the said Courts, are hereby required and enjoined, upon such Plea and Proof thereof, to dismiss such Action, and award Costs for the Defendants.



An Act for the Relief of the Poor in the Town of Halifax.

W H E R E A S there are, or hereafter may be, Persons residing within the Town of Halifax, who, notwithstanding their honest Endeavours for obtaining a Livelyhood, may by the Providence of God, thro' Sickness or otherwise, be rendered incapable of supporting themselves or Families, *Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That a Sum not exceeding One Hundred Pounds, be paid out of the public Treasury of this Province, by Warrant under the Hand and Seal of his Excellency the Governor, into the Hands of the Overseers of the Poor of the Town of Halifax for the Time being, to be by them applied within One Year from the Receipt thereof, towards the Relief and Assistance of such Persons as shall appear to them, upon strict Inquiry and Examination, to be proper Objects of such Charity.*

And it is further enacted, That the said Overseers of the Poor are hereby authorized to open Subscriptions, and collect and distribute such

Sums as shall be subscribed by any well disposed Persons, for such charitable Uses. And the said Overseers shall, and are hereby obliged to keep a fair Account of the Receipts and Distributions of all Monies, which shall be paid into their Hands for such Purposes, and upon the Expiration of their said Office, lay the same before his Excellency the Governor, and His Majesty's Council for their Inspection, and what Ballance may remain in the Hands of the said Overseers at the Expiration of their Office, shall be by them paid into the Hands of their Successors.



An Act for allowing a *Drawback* of Part of the *Impost* Duties on *Wines, Beer, Rum* and other *distilled Spirituous Liquors*, on their being exported out of this Province.

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HERE AS by an Act passed the last Session of the General Assembly, intituled An Act for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other Spirituous Liquors, no Provision was made for allowing a Drawback of any Part of the said Duties upon the Exportation thereof out of said Province.

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Publication hereof, Two Thirds of the *Impost* Duty which may have been paid, or secured to be paid on any *Wines, Beer, Rum, or other distilled Spirituous Liquors* imported into this Province, shall, upon the same being exported out of this Province within *Six Months* from the said Importation, be repaid to the Exporter thereof, by the Treasurer of the Province, out of the Money arising from the said *Impost* Duty, upon the said Exporter's producing a Certificate within *Six Months* after the Time of the Exportation, from the principal Officer of His Majesty's Customs, or commanding Officer for the Time being, of the Port to which the same shall be carried, of its being there duly loaded, together with a Certificate from the Collector of the *Impost* Duty that the Duty thereon had been duly paid or secured before such Exportation.

And for the better preventing Frauds herein, the following Oath shall be taken by every such Exporter, at the Time of Exportation (which Oath

Oath the Collector of the *Impost* Duty is hereby authorized to administer)
viz

“ YOU do swear, that the Quantity of is
“ bona Fide by you shipped for Exportation out of this Province, on
“ board the Master, bound for and that the Im-
“ post Duty for the same has been paid, or Security given, as by the
“ Law of this Province is required.”



An Act for regulating *Petit Juries*, and declar- ing the Qualification of *Jurors*.

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the First Day of October next, no Person shall be qualified to serve as a Petit Juror, unless he hath a Freehold Estate of the Value of Twenty Shillings a Year, or is possessed of Ten Pounds in personal Estate.

And be it further enacted, That the Provost Marshal or his Deputy shall, as soon as conveniently may be, make out a List of all Persons qualified as aforesaid, who have dwelt and resided within the Town and County of Halifax, for three Months preceding, and return the same into the Clerk's Office of the Inferior Court of Common Pleas for said County, who shall thereupon make out a Number of Ballots of an equal Size, One for each Person, inscribing thereon the Persons Name; which Ballots shall be safely kept in a Box, to be lockt up by him, and shall be opened Ten Days before the sitting of said Court in the Presence of the first Justice, and Twenty Four Ballots for the Juries of the Inferior Court, and the Court of General Quarter Sessions of the Peace, shall be drawn from thence by the Clerk of said Court, and a List of their Names shall be taken and delivered to the Provost-Marshal or his Deputy, who shall summon the Persons so ballotted, to attend at the next Sitting Court, and they shall be accordingly entered on the Venires and returned to serve as Jurors at the said Court; and then the said Box shall be delivered to the Clerk of the Superior Court, and Thirty Six Ballots shall be drawn, in manner aforesaid, by the Clerk of said Court in the Presence of the Chief Justice, Ten Days before the Sitting of said Court, and

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the Persons so drawn, shall be summoned, entered on the *Venire* issuing from that Court, and returned as aforesaid; and so from Court to Court till the whole Number of Freeholders and other Persons qualified as aforesaid, shall have served as *Jurors*.

Provided, That if upon the Return of the *Venires* into the *Supream Court*, *Inferior Court*, or *General Quarter Sessions*, it shall appear to any of said Courts, that the Persons so ballotted for, and summoned by the Provost-Marshal, cannot attend by Reason of some unavoidable Accident, that then and in such Cases, the *Chief Justice* at the *Supream Court*, or the *First Justice* at the *Inferior Court* or *General Quarter Sessions*, shall order their respective Clerks in open Court, to draw out as many *Ballotts* out of said Box, as will amount to the Number that cannot attend, who shall be immediately summoned by the Provost-Marshal to attend as *Jurors*, and *Ballotts* for the Names of those that are unable to attend, to be returned into the Box, and a List of all Persons qualified as aforesaid within the said Town and County, shall be taken by the said Provost-Marshal or his Deputy from Year to Year, and returned as aforesaid, or as often as the said Lists shall be fully drawn.

And be it further enacted, That every Person summoned and returned as aforesaid to serve as a *Juror*, who (without sufficient Reason to be judged of by the Court) shall refuse or neglect to give his Attendance at the Court whereunto he is notified and summoned to appear, shall forfeit the Sum of *Five Pounds*, to be paid into the Hands of the said Clerk, and on his neglecting to pay the said Fine, before the End of the Term, it shall be levied by Warrant of Distress, to be issued from the said Court; and for any willful Absence or non Attendance on his Duty during the Sitting of the said Court, he shall forfeit for every Day's Neglect, the Sum of *Ten Shillings*, to be paid or levied in manner aforesaid; and the Fines so collected by the Clerks aforesaid, shall be paid by them to the Treasurer of the Province for His Majesty's Use.

Provided always, That if by Reason of Challenge or otherwise, there shall not appear a sufficient Number of good and lawfull Men to make up a *Petis Jury* or *Juries*, then and in such Case, the said *Jury* or *Juries* shall be filled up *de talibus Circumstantibus*, to be nominated and returned by the Provost-Marshal or his Deputy; and where the Provost-Marshal or his Deputy is concerned, or related to either of the Parties in any Case, then the *Jurors* shall be nominated and returned by the Coroner.

Provided also, That no Persons ballotted for as *Jurors* for any Court, shall at the same Court, be returned to serve as *Grand Jurors*.

Provided also, That the Members of His Majesty's Council, the Members of the Assembly, the Treasurer of the Province, Register of Deeds, Chief Surveyor of the crown Lands, Secretaries, Ministers, Officers of His Majesty's Customs, Naval Officer, and his Deputy, Attorneys at Law, Officers of His Majesty's Courts, Commissary of the Ordnance Stores, and Surgeons, shall be excused from serving as *Jurors*.

Resolution

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Resolution

*Resolution of His Excellency the Governor, in
General Assembly, in Explanation of the Im-
post-Act.*

HEREAS a Doubt has arisen upon the Construction of
the Word *Importer* in the *Act* for confirming the Proceedings
on the several Resolutions of the Governors and Council of this
Province, relating to the Duties of *Impost*, on Rum and other
distilled Liquors; and enabling the late Collector or Receiver
to recover the Monies unpaid for any Bonds or Notes remaining in his
Hands: And for establishing and regulating several Duties of *Impost* on
Wines, Beer, Rum and other distilled Spirituous Liquors for the future,
whether Wines, Beer, Rum, and other distilled Spirituous Liquors, bartered,
or sold in any Port or Harbour, should be deemed an Importation, so as
to subject such Wines, Beer, Rum, and other distilled Spirituous Liquors,
to the Payment of Duties, it is declared by His Excellency the Governor,
Council, and Assembly, That it was the Intention of the Legislature, that
all Wines, Beer, Rum, and other distilled Spirituous Liquors, sold or
bartered in any Port or Harbour, should be liable to the Duties im-
posed by the said *Act*, altho' such Wines, Beer, Rum, and other di-
stilled Spirituous Liquors, should not be landed,

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At the GENERAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun and
holden at *Halifax*, on Tuesday the
4th Day of *December*, 1759, and in
the 33^d Year of His Majesty's Reign.



AN ACT

To prevent GAMING.

Enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Publication hereof, all public Gaming at Cards, Dice, Tennis, Bowls, or any other Games whatsoever; and all Lotteries, and public Gaming-Tables, shall be deemed and adjudged to be Nullities; and all Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances whatsoever, given, granted, drawn, or entered into, or executed, by any Persons whatsoever, where the Whole or any Part of the Consideration of such Conveyances or Securities shall be for any Money, or other valuable Thing whatsoever, won by Gaming or Playing at Cards, Dice, Tables, Tennis, Bowls, or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do game at any of the Games aforesaid; or for the reimbursing or repaying any Money knowingly lent or advanced for such Gaming or Betting as aforesaid, or lent and advanced at the Time and Place of such Play, to any Person or Persons so gaming or betting as aforesaid, or to any other Person or Persons in Trust for, or to the Use of them so gaming or betting; or that shall, during such Play, so game or bet, shall be

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be utterly void, frustrate, and of none Effect, to all Intents and Purposes whatsoever. And that where such *Mortgages, Securities, or other Conveyances*, shall be of *Lands, Tenements, or Hereditaments*, or shall be such as incumber or affect the same, such *Mortgages, Securities, or other Conveyances*, shall enure and be to and for the sole Use and Benefit of, and shall devolve upon, such Person or Persons, as should or might have, or be intitled to such *Lands, Tenements or Hereditaments*, in case the said *Grantor or Grantors* thereof, or the Person or Persons so incumbering the same had been naturally dead; and as if such *Mortgages, Securities, or other Conveyances*, had been made to such Person or Persons so to be intitled after the Decease of the Person or Persons so incumbering the same; and that all *Grants or Conveyances*, to be made for the preventing such *Lands or Tenements or Hereditaments* from coming to, or devolving upon such Person or Persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none Effect to all Intents and Purposes whatsoever.

And be it further enacted, That from and after the Publication hereof, any Person or Persons whatsoever, who shall by playing at *Cards, Dice, or Tables*, or any other *Game or Games* whatsoever, or by *betting* on the Sides or Hands of such as do play at any *Game or Games* as aforesaid, within *Twenty four Hours*, or at any one Meeting or Sitting, lose to any one or more Person or Persons, so playing or betting, any Sum or Sums of Money, exceeding the Sum of *Twenty Shillings*, or any other valuable Thing or Things whatsoever beyond the Value of the Sum of *Twenty Shillings*, and shall pay or deliver the same or any part thereof, the Person or Persons so losing and paying or delivering the same, shall be at Liberty within *one Month* then next following, to sue for and recover the Money or Goods so lost and paid or delivered, or any part thereof, from the respective Winner or Winners thereof, with Costs of Suit, by *Action of Debt* founded on this Act; to be prosecuted in any of His Majesty's Courts of Record; in which Action it shall be sufficient for the Plaintiff to alledge that the Defendant or Defendants are indebted to the Plaintiff, or received to the Plaintiff's Use, the Monies so lost and paid, or converted the Goods won of the Plaintiff to the Defendant's Use, whereby the Plaintiff's Action accrued to him according to the Form of this Act; and in case the Person or Persons who shall lose such Money or other Thing as aforesaid, shall not, within the Time aforesaid, really and *bona fide*, and without Coven or Collusion, sue, and with Effect prosecute for the Money or other Thing so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any Person or Persons, within *one Month* thereafter, by any such Action or Suit as aforesaid, to sue for and recover the same with Costs of Suit, against such Winner or Winners as aforesaid; the one Moiety thereof to the Use of the Person or Persons that will sue for the same, and the other Moiety to the Use of the Poor of the Town where the Offence shall be committed.

And be it further enacted, That the Parent, Guardian, or Master of any Person or Persons under the Age of *Twenty-one Years*, shall likewise be at Liberty to sue for and recover, in Manner as is before prescribed, any Money or other Thing won by *Gaming* from such Persons within lawful Age, and treble the Value of the Money so won, with Costs of Suit.

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And be it further enacted, That if any Persons shall by Fraud, unlaw-
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 whatsoever, or by bearing a Share or Part in the Stakes, or by Betting
 on the Sides of such as shall play, win, or acquire to themselves, or to a-
 ny others, any Money or other valuable Thing; every Person so winning
 or acquiring by such ill practice as aforesaid, and being thereof convicted
 of any of the said Offences, upon Indictment or Information, shall forfeit
 five Times the Value of the Money or other Thing, so won as aforesaid,
 such Penalty to be recovered by such Person as shall sue for the same by
 such Action as aforesaid.

And for the better suppressing all publick Gaming Houses, it is hereby fur-
 ther enacted, That it shall and may be lawful to and for any two or more
 of His Majesty's Justices of the Peace, to enter into any publick Houses
 suspected of keeping any Gaming Tables, and to order and direct the Kee-
 pers of such Gaming Tables, if any such shall be found therein, to remove
 the same within Forty-eight Hours, as a publick Nuisance; and any Per-
 son refusing or neglecting to obey the Order of such Justices, the said
 Justices shall have Power to break and prostrate such publick Gaming Ta-
 bles, and also to require sufficient Security from Persons keeping such pub-
 lick Gaming Houses, for their good Behaviour during Twelve Months, or
 for their Appearance at the next Quarter Sessions, there to be prosecuted
 for offending against this Act, and on Conviction, to be either fined or
 imprisoned, as the Court shall direct.



An Act for permitting Persons of the Profession of the People called Quakers, to make an Affirma- tion, instead of taking an Oath.

Be it enacted by His Excellency the Governor, Council and
 Assembly, and by the Authority of the same it is hereby enac-
 ted, That every Person of the Profession of the People cal-
 led Quakers, who shall be required upon any lawful Occa-
 sion to take an Oath, shall instead of an Oath in the usual
 Form, be permitted to make his or her solemn Declaration
 or Affirmation in these Words, to wit.

"I A. B. do solemnly, sincerely, and truly declare and affirm:"

Which solemn Affirmation shall be adjudged and taken to be, of the
 same Force and Effect, in all Places where by Law an Oath shall be re-
 quired, as if such Quaker had taken an Oath in the usual Form.

And be it further enacted, That every Person who shall have made such
 solemn Affirmation, and shall be convicted of wilfully, falsely, and cor-
 ruptly, having affirmed any Thing, which if the same had been sworn
 in the usual Form, would have amounted to wilful and corrupt Perjury,
 shall incur the same penalties as Persons convicted of wilful and corrupt
 Perjury.
 Provided,

Provided, That no *Quaker* or reputed *Quaker* shall, by Virtue of this Act, be admitted to give Evidence in any criminal Causes, by such solemn Declaration or Affirmation as is hereby directed.

Provided, that no Persons shall be deemed *Quakers* within the Intention of this Act, unless they shall affirm in the Form before directed, That they are of the profession of the People called *Quakers*, and have been so for One Year then last past.

And be it further enacted, That this Act shall be deemed to be a publick Act, and be judicially taken Notice of as such.

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An Act in Addition to, and Amendment of an Act intituled, ' *An Act for confirming the Proceedings on the several Resolutions of the Governors and Council of this Province, relating to the Duties of Impost on Rum and other distilled Liquors, and enabling the late Collector or Receiver to recover the Monies unpaid, for any Bonds or Notes remaining in his Hands, and for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other distilled Spirituous Liquors for the future;*' And for the further Continuance of the same.

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HEREAS several Clauses in the above recited Act have been misconstrued, and Deficiencies found therein; to explain and provide for which, it is found necessary to make the following Amendments and Additions. AND WHEREAS in the third Clause of said Act, making liable to an Impost Duty all Wines, Beer, Rum, or other distill'd Spirituous Liquors imported into this Province, an Exception is therein made to the Product or Manufacture of Great-Britain, which has not answered the Intent and Meaning of the said Exception;

It is hereby declared by His Excellency the Governor, Council, and Assembly, That it was the Intention of the Legislature, That no Wines, Beer, Rum, or other Spirituous Liquors, legally and directly imported from Great-Britain, tho' not of the Growth and Manufacture of Great-Britain, should be subject to the Payment of the Duties imposed by the said Act: And be it enacted, That the Collector of the Impost Duty, shall not demand or receive any Duties for any Wines, Beer, Rum or other Spirituous Liquors, imported from Great-Britain as aforesaid.

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AND WHEREAS in the fourth Clause of said Act, the Importer of all
WINES, BEER, RUM, or other DISTILLED SPIRITUOUS LIQUORS, is re-
quired to pay or give Security for the Payment of the Duties, to the Collector
or Receiver thereof, at or before the Landing, the same, which has been
found inconvenient; as the Quantity of RUM or OTHER SPIRITUOUS LI-
QUORS, cannot at all Times be ascertained until Gauged.

Be it enacted by the Authority aforesaid, That when any RUM or other
Spirituos Liquors shall be imported, the Quantity whereof cannot be as-
certained before the Landing, the Collector or Receiver of the Imposts
is hereby empowered to grant a Permit for the same to be landed and gau-
ged, any Thing in the above-recited Act to the contrary notwithstanding.

AND WHEREAS in the fifth Clause of said Act, a Penalty of Fifty
Pounds is laid on the Master of any Ship or other Vessel, who shall refuse or
neglect to make due Entry of such WINES, BEER, RUM, or other Spiritu-
ous Liquors, imported in such Ship or Vessel, which Penalty is thought in-
sufficient;

Be it enacted, That all Masters of Vessels refusing or neglecting to
yield strict Obedience to the Manner and Form prescribed by said Act,
in the making an Entry of all WINES, BEER, RUM, or other Spirituous
Liquors, brought into any Port or Harbour of this Province by them,
shall forfeit and pay the Sum of Fifty Pounds over and above the Penalty
inflicted by said Act; to be sued for and divided in like Manner as is pre-
scribed by said Act.

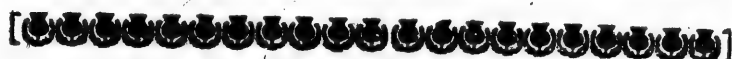
AND WHEREAS the Collector or Receiver of the Impost Duties is not di-
rected by said Act, to whom and at what Time he should make Payment of
the Monies so collected by him in Pursuance of said Act.

Be it therefore enacted by the Authority aforesaid, That the Collector or
Receiver of the Impost for the Time being, shall render a just Account
and pay into the Hands of the Treasurer of the Province, all such
Monies by him received in Pursuance of this Act, within Thirty Days af-
ter the End of each Quarter.

AND WHEREAS the Term of the aforesaid recited Act is near expiring;

Be it enacted by the Authority aforesaid, That the said Act with its A-
mendments and Additions, be further continued, and remain in full Force
for the Term and Space of Four Years, from the first Day of January,
1760, and until the End of the Session of the General Assembly then
next following.





An Act to prevent the distilling Grain in this Province.



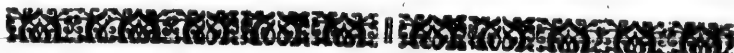
HEREAS it has been found by Experience, that the drawing, distilling, and making Brandies and Spirits from Malt, Corn and Grain, in many Parts of His Majesty's Dominions, has been often the Occasion of great Scarcity of Corn, and enhancing the Price thereof; which has proved a great Grievance to His Majesty's Subjects: In order to prevent the Introduction of such evil Practices into this Province,

Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the first Day of February, which shall be in the Year of our Lord One Thousand Seven Hundred and Sixty, no Person or Persons whatsoever shall, directly or indirectly, draw, distill, or make, or cause or procure to be drawn, distilled or made, within this Province, any Brandies, Spirits, or Low-wines whatsoever, from Malt, Corn, or Grain, or from any Wash or Liquors produced from any Malt, Corn, or Grain whatsoever.

And be it further enacted by the Authority aforesaid, That if any Person or Persons within this Province, after the Time before mentioned, shall presume to draw, distill, or make any Brandies, Spirits, or Low-wines, from Malt, Corn, or Grain, or from the Wash or Liquors produced therefrom, they shall forfeit and pay the Sum of Fifty Pounds; and all the Spirits so distilled, and also the Stills, Backs, Casks, and other Utensils employed in distilling the same, shall be forfeited: One Moiety of which Fines and Forfeitures shall be applied to the Use of the Poor of the Town where the Offence shall be committed, the other to him or them who shall discover, inform, or sue for the same; and the said Penalties and Forfeitures shall be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record in this Province.

And be it further enacted, That this Act shall be deemed and taken as a Public Act, and all Officers, as well His Majesty's Justices of the Peace, Grand-Jurors, Constables, and all other His Majesty's liege Subjects in this Province, are hereby authorized to see that this Act be duly observed, and to present and inform of all Breaches of the same.

And be it further enacted, That this Act shall be and continue in Force for Ten Years, and from thence to the End of the then next Sessions of the General Assembly of this Province.



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An Act for laying an additional Duty of Three Pence per Gallon upon all Rum and other distilled Spirituous Liquors imported into this Province, and for allowing a Drawback on the Exportation thereof.

WHEREAS by an Act made and passed by the General Assembly of this Province, in the 32d Year of His Majesty's Reign, intitled "An Act for establishing and regulating several Duties of " Impost on Wines, Beer, Rum, and other distilled Spirituous " Liquors for the future," a Duty of Three Pence per Gallon was granted unto His Majesty on all Rum and other distilled Spirituous Liquors imported into this Province: But Whereas the Sums arising from the Duties imposed by said Act, as well as from the Duty of Excise on Wine, Rum, and other distilled Spirituous Liquors sold by Retail, will be insufficient to answer the Payment of the Bounties and Premiums promised for the Encouragement of Labour and Industry, and defray the other necessary Expences of the Province, such as the building a Lighthouse of Stone Masonry at the Entrance of the Harbour of Halifax for the Benefit of Shipping, erecting a Workhouse and Prison, and finishing the Church and Meeting-House.

We do therefore hereby grant unto His Most Excellent Majesty, His Heirs and Successors, for the Uses aforesaid, the several Rates, Duties and Imposts hereinafter mentioned.

Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the first Day of January, which shall be in the Year of our Lord One Thousand Seven Hundred and Sixty, the Importers of all Rum, and other distilled Spirituous Liquors, shall pay to the Collector or Receiver of the Impost for the Time being, (over and above the present Duty) Three Pence per Gallon for all such Rum or other distilled Spirituous Liquors, (except the Product or Manufacture of Great-Britain, or legally and directly imported from thence) which he or they shall bring into any Port or Part of this Province; Provided the same be sold, bartered or landed within the Province, and in all other Respects be subject to the same Rules and Regulations, and liable to the same Penalties and Forfeitures as in the above recited Act with its Amendments.

And be it further enacted by the Authority aforesaid, That over and above the Drawback allowed by an Act intitled, "An Act for allowing a Drawback " of Part of the Impost Duties on Wines, Beer, Rum, and other distilled Spi- " rituous Liquors, on their being exported out of this Province," there shall be allowed a Drawback of Three Pence per Gallon on all Rum, or other distilled Spirituous Liquors which shall be exported out of the Province, after

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after the said first Day of January, One Thousand Seven Hundred and Sixty, That is to say, That there shall be paid to the Exporter of any Rum, or other distilled Spirituous Liquors, (which shall have paid as well the Duty of Three Pence per Gallon imposed by the former herein recited Act, as also the additional Duty of Three Pence per Gallon imposed by this Act) five sixths Parts of the whole neat Duty to paid or secured to be paid, subject to the same Regulations, and in Manner and Form as described in the aforementioned Act.

And for the better preventing Frauds herein, the following Oath shall be taken for the future, by every such Exporter of any Rum or other distilled Spirituous Liquors, (which Oath the Collector or Receiver of the Impost Duty is hereby authorized to administer) instead of the Oath to be taken as specified in the Act for allowing the said Drawback.

YOU A. B. do swear, that the Quantity of _____ by you shipped for
Exportation on board the _____ Master, bound for _____
was bona fide imported in the _____ Master, from _____ since
the first Day of January, One Thousand Seven Hundred and Sixty, and
that the Impost Duty for the same has been paid or secured to be paid, as
by the Law of this Province is required; and that the same is not intended
to be fraudulently relanded into any Port or Place in this Province.

And be it enacted by the Authority aforesaid, That if any Rum, or other distilled Spirituous Liquors, shall be fraudulently relanded into any Port or Place of this Province after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Rum or other distilled Spirituous Liquors shall have been so fraudulently relanded.

And it is also further enacted, That all Rum, or other Spirituous Liquors, which shall be imported after the first Day of January, One Thousand seven Hundred and Sixty, and which shall be issued to His Majesty's Ships of War for the Use of His Majesty, be deemed so far an Exportation thereof as to be intitled to a Drawback of the whole additional Duty of Three Pence per Gallon, which shall have been paid or secured to be paid on said Rum or other spirituous Liquors. And the Treasurer of the Province is hereby authorized and directed to pay the same out of the Funds arising from the aforesaid Duties, upon the Person or Persons (issuing such Rum or other Spirituous Liquors to any of his Majesty's Ships) making Oath to the Delivery thereof, and producing a Certificate from the Collector of the Impost for the Time being, That the Duty thereof has been paid, or secured to be paid, and also producing a Certificate from the Commander and other signing Officers of such his Majesty's Ship or Ships, of the Quantity and Kind of such Spirituous Liquors, and that the same was actually received on board the said Ship or Ships for His Majesty's Use, and no other.

And be it further enacted, That the Collector or Receiver of the Impost for the Time being, shall render an Account of, and pay to the Treasurer of the Province, all such Monies by him received in Pursuance of this Act,

Act, at such Times, and in like Manner; as hath heretofore been practised by the Collector of the Impost.

And it is also further enacted, That this Act shall continue and be in Force for the Term of Four Years from the said first Day of January, One Thousand Seven Hundred and Sixty, and until the End of the Session of the General Assembly then next following.

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*An Act in Addition to an Act, intituled, An Act for the Establishment of religious Publick Worship in this Province, and for suppressing of Popery.*

HERE AS although in and by the said Act it is enacted, that the sacred Rites and Ceremonies of Divine Worship, according to the Liturgy of the Church established by the Laws of England, shall be deemed the fixed Form of Worship amongst us, and the Place wherein such Liturgy shall be used, shall be respected and known by the Name of the Church of England as by Law established; and although a Church is already built, and publick Worship performed therein, yet no Provision is made in the said Act for the Choice of Parish Officers, or to empower the Parishioners belonging to the said Church to raise Money for the Support and Maintenance of such Ministers as are or shall be hereafter appointed to officiate therein, and for the Repairs of said Church;

Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Parish of the Church commonly called and known by the Name of SAINT PAUL's Church, shall extend and comprehend all the Lands lying and being in the Township of Halifax, hereafter to be known and called by the Name of the Parish of Saint Paul's, for and during such Time as the said Township shall consist of one Parish only, and that the Church-Wardens and Parishioners of said Parish, are hereby empowered to meet as soon as convenient may be, Notice being first given of such Meeting, and the Place thereof, by the Rector of said Parish, and shall then and there chuse Twelve Officers of the said Parishioners for Vestry-Men, in which Vestry shall be included the Ministers belonging to the said Church, and officiating therein; and the said Church-Wardens and Vestry shall have and exercise all such Powers and Authorities, for the Benefit of the said Church, as are usually exercised by Church-Wardens and Vestries in the Parish Churches in England, and shall to all Intents and Purposes be, and are hereby empowered, as a Body Politic incorporate, to sue and be sued, and to ask, demand, and sue for the Rents due for the Pews of said Church, for the Benefit of the Ministers and Repairs thereof, and to take and receive all Gifts, Grants, either of Lands or Money, to and for the Use of the said Parish

Parish Church, and to improve the same for the Benefit and Advantage thereof, according to their best Discretion, and the true Intent and Meaning of the *Donors*: And the said Meeting of the Parishioners for the Choice of *Vestry-Men*, shall hereafter be annually on *Michaelmas Day*, on which Day shall also be chosen annually the *Church-Wardens* for the said Church, by the said Parishioners.

And be it further enacted, That if any of the said Parishioners, who shall be regularly chosen into the Offices aforesaid, do refuse to serve in the same, he or they shall forfeit the Sum of *Five Pounds*, to be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record; which Forfeiture shall be to and for the Use of the said Parish Church:

And be it further enacted, That the said Parishioners may, by a Vote of the Majority at their annual Meeting then present, Grant such Sums of Money towards the Support and Maintenance of their Minister or Ministers, or for the Repairs of the said Church, as they may think necessary; which said Vote shall be binding on all the Parishioners belonging to the said Church, and others dwelling in the said Parish, not exempted by Law from paying towards the Support of the *Church of England*; which Sum or Sums of Money so voted, shall be assessed in just and equal Proportions on every Parishioner, according to their several Abilities.

And be it further enacted, That for the greater Ease of the Parishioners, in paying in such Sums so granted, that for every yearly Grant for the Support of the Ministry, it shall be assessed by the *Church-Wardens* and *Vestry* in two equal Assessments, one Half to be paid in the first Six Months, and the other Half in the last Six Months.

And be it also enacted, That the said *Church-Wardens* shall, and they are hereby impowered, to collect and receive such *Rates and Taxes*; and if any Person thus rated or taxed, shall not pay the same within *One Month* after Notice given by such *Church-Wardens*, that then it shall, and may be lawful, on the Complaint of such *Church-Wardens*, on Oath that due Notice has been given as aforesaid, for any one of His Majesty's Justices of the Peace for the County of *Halifax*, by Warrant of Distress under his Hand and Seal, to cause the same to be levied on the Goods and Chattles of the Person so failing.

Provided always, That if any Person shall think himself over-rated, he may appeal for Redress to the next *General Sessions of the Peace* for the said County, and the Justices thereof are hereby required and impowered to examine, hear, and determine all and every such Appeal or Complaint, and to give Redress as they in their Judgment shall think equitable, and such their Order and Judgment shall be final, and bind all Parties.

And be it further enacted. That the *Church-Wardens* and *Vestry* may meet as often as the Business of the said Church shall require, but for the making



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making the Assessments and rating the Parishioners, they shall and are hereby  
enjoined to meet on the first Monday after Easter yearly and every Year;  
and no Assessment, unless the same be agreed on and subscribed by at  
least seven of the said Vestry and Church-Wardens, nor any other Act by  
them done or agreed on to be done, shall be valid, and have its Force  
and Effect in Law, unless also seven of them, at least, be present.

And be it further enacted, That the Ministers of the Church of Eng-  
land, not conforming themselves to the Rules prescribed by the Cannons  
of the said Church, shall be subject to the Censures and Penalties incurred  
therein, and none other, any Law, Usage, or Custom to the contrary  
notwithstanding.

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An Act in Addition to, and Amendment of, and for
further prolonging, an Act made and passed in
the 32^d Year of His Majesty's Reign, intituled,
*An Act or granting to His Majesty an Ex-
cise upon Wine, Rum, and other distilled Spiri-
tuous Liquors sold by Retail.* AS ALSO of an
Act, intituled, *An Act for the better discovering
and more effectually suppressing unlicensed Houses.*

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FORASMUCH as sundry Deficiencies have been found in the  
above-recited Acts, and Complaints made thereof by the Collec-  
tors and Receivers of the said Duty of Excise; to remedy and  
provide against which, it is thought necessary to make the fol-  
lowing Amendments and Additions.

AND WHEREAS, in the second Clause of the said first recited Act, it  
is enacted, " That all Persons licenced to retail Wine, Rum, and other  
" distilled Spirituous Liquors, shall deliver in monthly, to such Persons as  
" shall be appointed by His Excellency the Governor to receive the same,  
" a just Account upon Oath, of the Quantity of Wine, Rum, or other  
" distilled Spirituous Liquors, sold during the Month then last passed, by  
" them, or any Person or Persons under them, or by their Orders,  
" sold and delivered, mixt or unmixt, and shall at the same Time pay  
" to the Person appointed to receive the same, the Duty due thereon."  
BUT WHEREAS no Time is limited after the End of each Month, for Per-  
sons so selling Wine, Rum, or other distilled Spirituous Liquors by Retail,  
in which they shall render an Account thereof, and pay the Duties arising there-  
from, as by the said first recited Act is imposed, to the Collectors or Receivers  
appointed to collect and receive the same.

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Be it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted and declared, That all and every Person or Persons being licenced and retailing any Wine, Rum, or other distilled Spirituous Liquors, shall, on the first day, Tuesday, or Wednesday of every Month, from and after the first Day of February, which will be in the Year of our Lord, One Thousand Seven Hundred and Sixty, render a just and true Account, upon Oath, and pay the Duties due thereon, for the preceding Month, to the Collectors or Receivers appointed to collect and receive the same, at their Office; and every Person neglecting or refusing to yield strict Obedience hereunto, shall forfeit and pay the Sum of Ten Pounds.

AND WHEREAS by the said first recited Act it is also enacted, " That it shall be lawful for the said Collector to make an Allowance of Ten per Cent for Leakage and Wastage of all Rum, Wine, or other distilled Spirituous Liquors, to any Tavern-keeper, Common Victuallar or Retailer." But forasmuch as it was the Intention of the Legislature, that this Allowance should only be made to such Persons as would give in an Account of the Quantity of Spirituous Liquors bought by them, which the Retailers do not comply with, and thereby many Frauds are committed. To prevent this Inconveniency for the Time to come,

Be it enacted by the Authority aforesaid, That all Persons being licenced to retail Wine, Rum, and other distilled Spirituous Liquors, shall, not only, render an Account in Manner as before directed, but also shall give in therewith an Account in Writing upon Oath of the Quantity of Wine, Rum, and other distilled Spirituous Liquors purchased by them during the Month then last past, with the Marks and Numbers of the Cask in which the same is contained, as also the Day of the Month and Year when purchased, and the Names of the Persons from whom they actually bought and received the same. And all Persons so licenced to retail as aforesaid, who shall have in their Houses, Shops, Cellars, or other Stores whatsoever, any Quantity of Wine, Rum, or other distilled Spirituous Liquors, not mentioned and contained in the said Account, shall forfeit all such Liquors, and the Value thereof shall be applied to the Uses in this Act mentioned.

And be it enacted, That all and every Person or Persons having Licence, who shall refuse to admit the Collector or Collectors to inspect their Houses, Shops, Cellars, or other Stores whatsoever, and to take an Account from Time to Time, at his or their Discretion, of all Wine, Rum, or other distilled Spirituous Liquors, in the Possession of such licenced Person or Persons; and shall neglect or refuse to yield strict Obedience to this as well as the before recited Acts, shall be subject to lose their said Licences, and shall also have their Bonds for holding such Licences put in Suit.

And be it further enacted, That before any Person or Persons shall be intituled to a Licence for retailing Wines, Beer, Rum, or other distilled Spirituous Liquors, they shall produce to the Clerk of the Licences at the Secretary's Office, a Certificate from the Quarter Sessions, or from any Two or more of His Majesty's Justices of the Peace for this Province, of their

Council, and Assembly, enacted and declared, and enacting and retailing any shall, on the first of January and after the first of January, or Lord, One Thousand, account, upon Oath, and month, to the Collectors, me, at their Office; and obedience hereunto, shall

also enacted, "That it Allowance of Ten per cent, or other distilled upon Victuallar or Retailers, the Legislature, that would give in an Act, them, which the Rectory committed. To pre-

Persons being licenced Quors, shall, not on- but also shall give in Quantity of Wine, by them during bers of the Clerk in month and Year when hom they actually nced to retail as a- s, or other Stores iled Spirituous Li- nt, shall forfeit all o the Uses in this

s having-Licence, inspect their Hou- take an Account Time, Rum, or o- a licenced Person dience to this as- their said Licences, put in Suit.

Persons shall be other distilled Licences at the, or from any is Province, of their

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their having taken the Oaths appointed to be taken instead of the Oaths of Supremacy and Allegiance, and that they have made and subscribed the Declaration.

AND WHEREAS the permitting Persons not licenced to sell any Quantities of Rum, or other distilled Spirituous Liquors, above Three Gallons, without being subject to the Duties of Excise imposed by the first above recited Act, has been a Means of enabling many evil-minded Persons to purchase small Quantities of distilled Spirituous Liquors, and therewith to set up and keep private Tippling-Houses, to the great Encouragement of Idleness and Debauchery, and Diminution of the Revenues.

For preventing of which, and augmenting the Funds established for Encouragement of Labour and Industry within this Province, We do hereby grant unto His Majesty his Heirs and Successors, the following additional Duty of Excise;

Be it therefore enacted by the Authority aforesaid, That from and after the said first Day of February, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty, every Person not licenced, who shall sell, barter or exchange any Rum, or other distilled Spirituous Liquors, in any Quantity less than twenty-five Gallons, shall pay after the Rate of six Pence per Gallon for every Gallon of Rum, or other distilled Spirituous Liquors, so sold, barttered, or exchanged.

And be it further enacted, That all and every Person or Persons who shall sell, barter, or exchange any Rum, or other distilled Spirituous Liquors, without Licence, in less Quantities than twenty-five Gallons, shall at the Expiration of every three Months, from and after the said first Day of February, deliver in to the Collectors or Receivers appointed to collect and receive the said Duties, a just and true Account upon Oath, of the Quantity of Rum, or other distilled Spirituous Liquors, sold, barttered, or exchanged, under twenty-five Gallons, during the three Months then last passed, by them, or any Person or Persons under them, or by their Order; and shall at the same Time pay to such Collectors or Receivers as aforesaid, the Duty due thereon; which Oath such Collectors or Receivers are hereby impowered to administer in the following Words;

"YOU A. B. do swear that the Account now delivered in by you, contains a just and true Account of all the Rum, and other distilled Spirituous Liquors that have been sold, barttered, or exchanged by you, or any Person or Persons under you, or acting for you, or by your Order, under twenty-five Gallons, between the Day of \_\_\_\_\_ and the Day of \_\_\_\_\_, to the best of your Knowledge."

And be it enacted by the Authority aforesaid, That all Persons not licenced, intending to sell, barter, or exchange any Rum, or other distilled Spirituous Liquors, in any Quantities less than twenty-five Gallons, shall, before they do make any such Sales, Bartters, or Exchanges, give

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Notice

Notice in Writing, of such their Intentions to the said Collectors or Receivers of the *Excise Duties*, and shall give Security for Payment of the said Duties if required; and shall also take the *Oaths* appointed to be taken by Persons selling with Licence.

And it is hereby enacted by the Authority aforesaid, That all and every Person or Persons, not licenced, who shall sell, barter or exchange any *Rum*, or other distilled *Spirituos Liquors*, in any Quantity under twenty five Gallons, and shall neglect or refuse to yield strict Obedience hereunto, in rendering such Accounts on Oath, making such Payments, and giving such Notice as aforesaid, shall forfeit and pay the Sum of Twenty Pounds.

And be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend to permit Persons not licenced, to sell any *Rum*, or other distilled *Spirituos Liquors* in any Quantities less than three Gallons.

Provided, That nothing in this Act contained shall extend, or be construed to extend to prevent or debar any Merchant, Shop keeper, or other Person not licenced to retail *Rum*, or other distilled *Spirituos Liquors*, from selling, bartering, or exchanging, any Quantity of such Liquors, not less than twenty five Gallons, to be delivered at one and the same Time.

Provided also, That nothing in this Act contained, shall extend or be construed to extend, to debar or prevent any Person or Persons from supplying any Fishermen, actually employed by such Person or Persons in the Fishery, with a necessary Quantity of *Rum* or other *Liquors*, during the Time of the Fishing Season.

AND WHEREAS some Doubts have arisen, to whom the Justices are to account for that part of the Fines and Forfeitures belonging to His Majesty, arising from the Penalties inflicted by the above-recited Act, intituled, "An Act for the discovering and more effectually suppressing unlicenced Houses."

Be it therefore enacted by the Authority aforesaid, That such Part of all Fines and Forfeitures, arising from the said Act, as well as from this Act, belonging to His Majesty, shall by the Justice before whom the said Fines and Forfeitures are recovered, be accounted for and forthwith paid into the Hands of the Treasurer of the Province.

And be it further enacted, That all the Penalties and Forfeitures, arising or accruing by this Act, or the before recited Acts, shall be one Half to His Majesty, for the Uses and Intents for which the additional Duty of Excise by this Act imposed, is granted, and the other Moiety to the Person or Persons who shall inform or sue for the same; and shall be recovered with Costs, by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record in this Province.

And it is hereby further enacted, That the two Acts above recited, with these Amendments and Additions, shall continue and be in Force for and during the Space of four Years, from and after the said first Day of February, One Thousand Seven Hundred and Sixty, and until the End of the first Session of the General Assembly then next following.



*An Act for laying a Duty of Excise of Three Pence per Gallon on all Rum, and other Spirituous Liquors distilled within this Province, and for granting a Bounty on the Exportation thereof.*



HERE AS the Fund arising from the several Duties of Impost and Excise, granted unto His Majesty by the General Assembly of this Province, for the Encouragement of Labour and Industry, and to defray the other necessary Expences of the Government, as set forth in the Acts for granting said Duties, will be insufficient to answer the said Intents and

Purposes.

We do therefore hereby grant unto His most excellent Majesty, His Heirs and Successors, for the Uses mentioned in the said several Acts, the Rates and Duties herein after mentioned.

Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the fifteenth Day of January, which shall be in the Year of our Lord One Thousand Seven Hundred and Sixty, there shall be paid, Three Pence per Gallon on all Rum, and other Spirituous Liquors, distilled within this Province, ( the same being sold, bartered or exchanged ) by the Distiller thereof, to the Collector or Receiver, or Collectors or Receivers of the Impost and Excise for the Time being, or either of them; and all and every Distiller or Distillers of Spirituous Liquors, are hereby required, once in every Three Months, to render to the Collector or Receiver or to the Collectors or Receivers aforesaid, a just and true Account in Writing, upon Oath, ( which Oath the said Collector or Receiver or the Collectors and Receivers aforesaid, and each of them, are hereby authorized to administer ) of the Quantity and Kind of Spirituous Liquors so distilled and sold, bartered, or exchanged, during the three Months then last past, by him or them, or any Person or Persons under him or them, or by his or their Orders; and pay the Duty thereof to the said Collector or Receiver, or Collectors or Receivers aforesaid, provided the Sum does not exceed Ten Pounds; but if the Sum shall exceed Ten Pounds, the Collector or Receiver or Collectors or Receivers are hereby authorized and directed, on sufficient Security being given, to give Credit for Payment thereof within the Term of Three Months.

OATH



**OATH** to be taken by the *Distiller*, on rendering his Account.

" **YOU** A. B. do swear, that the Account now delivered in by you, contains a just and true Account of all the Rum, and other Spirituous Liquors, distilled, sold, bartered, or exchanged, by you, or any Person for or Persons under you, or acting for you, or by your Orders, between the \_\_\_\_\_ Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_

And be it enacted by the Authority aforesaid, That any *Distiller* neglecting or refusing to render a just and true Account, in Manner as herein before directed, every three Months, from and after the said *fifteenth Day of January*, One Thousand Seven Hundred and Sixty, of all such Rum, and other Spirituous Liquors, by him *Distilled*, and sold, bartered or exchanged, and pay the Duties thereof as by this Act imposed, shall forfeit and pay the Sum of *Three Hundred Pounds*, to be sued for by the Collector or Receiver, or Collectors or Receivers aforesaid, and recovered in any of His Majesty's Courts of Record, by Bill, *Plaint*, or *Information*, and the Money arising from such *Forfeitures*, shall be *two Thirds* to His Majesty, for the Uses and Intents for which the aforesaid Duty is granted, and the other *Third* to the Person suing for the same, the whole Charge of Prosecution to be taken out of the said *one Third*.

AND WHEREAS it is found expedient and necessary for the Encouragement of Trade in the Province, that no Part of the aforesaid Duty paid by the *Distillers* of Spirituous Liquors should be detained on Exportation thereof out of the Province.

Be it enacted by the Authority aforesaid, That from and after the said *fifteenth Day of January*, One Thousand Seven Hundred and Sixty, a Bounty of *Three Pence* per Gallon shall be paid to the Exporter of all Rum, or other Spirituous Liquors, which shall have been distilled within the Province after the said *fifteenth Day of January*, One Thousand Seven Hundred and Sixty, and which shall have paid or secured to be paid the Duty imposed by this Act, which Bounty shall be paid in like manner, and on the same Conditions, on which the Drawback is allowed by an Act intitled, "An Act for allowing a Drawback of Part of the Impost Duty on Wines, Beer, Rum, and other distilled Spirituous Liquors, on their being exported out of the Province."

And for the better preventing Frauds herein, The following Oath shall be taken for the future, by every such Exporter of any Rum, or other Spirituous Liquors, distilled as aforesaid, ( which Oath the Collector or Receiver or Collectors or Receivers as aforesaid, or either of them, are hereby authorized to administer ) instead of the Oath to be taken as specified in the Act for allowing the said Drawback.

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d, by you, or any Per-  
your Orders, between  
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" YOU

" YOU A. B. do swear, that the Quantity of  
" shipped for Exportation on board the  
" bound for  
" was really and Bonâ fide purchased of  
" and that the same is not intended to be fraudulently re-  
" landed into any Port or Place in this Province."

by you  
Master,

And be it enacted by the Authority aforesaid, That if any Rum, or other distilled Spirituous Liquors, shall be fraudulently relanded into any Port or Place of this Province, after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Rum, or other distilled Spirituous Liquors, shall have been so fraudulently relanded. And the said Forfeiture to be recovered by Bill, *Plaint*, or *Information*, in any of His Majesty's Courts of Record, and the Money arising from such Forfeitures, after deducting the Expenses of Prosecution and all incident Charges, shall be *two Third* parts to His Majesty, for the Uses for which the aforesaid Duty is granted, and the other *One Third* part to the Person or Persons suing for the same.

And it is also further enacted, That all Rum, or other Spirituous Liquors, which shall be distilled within the Province, after the said *fifteenth* Day of *January*, *One Thousand Seven Hundred and Sixty*, which shall have paid or secured to be paid the Duty imposed by this Act, and which shall be issued to His Majesty's Ships of War for the Use of His Majesty, be deemed so far an Exportation thereof, as to be intitled to a Bounty of *Three Pence* per Gallon; And the Treasurer of the Province is hereby authorized and directed to pay the same out of the Funds arising from the aforesaid Duty, upon the Person or Persons (issuing such Rum, or other Spirituous Liquors to any of His Majesty's Ships) making Oath to the Delivery thereof, and producing a Certificate from the Collector or Receiver, or Collectors or Receivers as aforesaid, that the Duty thereof has been paid, or secured to be paid; and also producing a Certificate from the Commander and other signing Officers of such His Majesty's Ship or Ships, of the Quantity and Kind of such Spirituous Liquors, and that the same was actually received on board the said Ship or Ships, for His Majesty's Use, and no other.

And be it further enacted, That the Collector or Receiver, or Collectors or Receivers as aforesaid, shall render an Account of and pay to the Treasurer of the Province, all such Monies by him or them received in Pursuance of this Act, at such Times and in like Manner as hath heretofore been practised by the Collectors of the *Impost* and *Excise*.

AND WHEREAS the Allowance to the Collector or Receiver, or Collectors or Receivers as aforesaid, will become a Charge to the Government on all such Rum or other Spirituous Liquors, distilled in this Province, which shall be exported or issued to His Majesty's Ships; as a Bounty equal to the whole Duty thereon, is to be paid on Exportation thereof;

Be it enacted by the Authority aforesaid, That the Collector or Receiver, or Collectors or Receivers of the *Impost* and *Excise*, shall make good and pay back to the Treasurer of the Province such his or their Allow-  
ance,

ance, which he or they may have received on the Duty of any Rum, or other Spirituous Liquors distilled in this Province, so exported or issued to His Majesty's Ships, for which the Bounty shall have been paid agreeable to this Act.

And be it further enacted, That this Act shall continue and be in force for the Term of Four Years from the said fifteenth Day of January, One Thousand Seven Hundred and Sixty, and until the End of the Session of the General Assembly then next following.



An Act for erecting a Market-House within the Town of Halifax, and for raising a Sum of Money by Lottery for that Purpose.

Approved. **W**HEREAS great Advantages will accrue, as well to the Inhabitants of the Town of Halifax, as to Persons importing Provisions from the Colonies, by the erecting a Market-House, where such Provisions may be exposed to public Sale;

Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Honourable John Collier, Thomas Saw, and Richard Bulkeley, Esqrs; and Josiah Mauger, Esq; Malachy Salter, Esq; Mr. Benjamin Gerrish, Mr. Deschamps, Mr. Binney, and Henry Newton, Esq; (any five of whom to be a Quorum) shall be, and are hereby constituted and appointed Commissioners for Designing, Erecting, Ordering and Building such Market-House.

And soasmuch as the Erecting and Building the said Market-House will be attended with considerable Charge and Expence.

Be it therefore enacted by the Authority aforesaid, that for and towards raising a Sum not exceeding Four Hundred Pounds, for the Purpose beforementioned, it shall and may be lawful for any Person or Persons whatsoever to purchase Tickets, and become Adventurers in a Lottery, according to the Plan or Scheme hereafter mentioned, for the raising the said Sum of Four Hundred Pounds.

SCHEME

## S C H E M E,

|                                            | Dollars | Dollars |
|--------------------------------------------|---------|---------|
| 1 Prize of                                 | 1000    | 1000    |
| 1                                          | 500     | 500     |
| 5                                          | 100     | 500     |
| 10                                         | 50      | 500     |
| 25                                         | 20      | 500     |
| 100                                        | 8       | 800     |
| 1050                                       | 4       | 4200    |
| 1192 Prizes                                |         | 8000    |
| 3608 Blanks                                |         |         |
| 4800 Tickets at two Dollars each, is       |         | Dollars |
| To be paid in Prizes                       |         | 9600    |
| Remainder applied to the Purpose aforesaid |         | 8000    |
|                                            |         | 1600    |

*And be it enacted*, That the Persons herein before named as *Commissioners* for Designing, Erecting, ordering, and Building the said *Market-House*, be also the *Commissioners* for managing the *Lottery*; who are to give Security to the Treasurer of the Province, for the faithful Performance of their Trust, and also to account with him for the Monies received and paid in Pursuance thereof. And they are also hereby impowered to proceed to publish the *Scheme* as above, and to dispose of *Tickets*, and collect the Money for said Purpose; and to do all other Matters and Things relative to the conducting and finishing the same.

*And be it further enacted by the Authority aforesaid*, That the Persons purchasing *Tickets* and being Adventurers in the said *Lottery*, shall be hereby intitled to receive from the said *Commissioners* ( who are hereby directed to pay the same ) the Sum or Sums of Money, that shall become due by Virtue of such fortunate *Tickets*, within *Twenty Days* after the Drawing of the said *Lottery* is finished, and that without any Deduction therefrom whatsoever.



1000  
1000  
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1000

THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATION  
500 FIFTH AVENUE NEW YORK 17, N. Y.

**An Act to enable Proprietors to divide their Lands held in common and undivided.**

**B** *Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Proprietors of any Tracts of Land within this Province, held by them in common and undivided, shall and are hereby impowered ( according to each stated Proportion ) to order, improve by fencing and diking, or divide in such Way and Manner as shall be concluded and agreed on by the major Part of the Interested present.*

*And be it further enacted, That when and so often as any five or more of the Proprietors of such common Lands shall judge a Proprietor's Meeting to be necessary, they may make Application to a Justice of the Peace within the same County where such Lands lie, for a Warrant for the Calling of a Meeting, expressing the Time, Place, and Occasion thereof; and such Justice is hereby impowered to grant a Warrant for Meeting accordingly, directed to one of the Proprietors, requiring him to notify the Time and Place of such Meeting; which Notification shall be published in the Weekly News-Paper, and posted up in some public Place within the Town or Precinct where the Lands lie, Thirty Days before the Day appointed for the Meeting; and such and so many of the Proprietors as shall be assembled and met accordingly, shall have Power, by a major Vote, to choose a Clerk, to enter and record all Votes and Orders that from Time to Time shall be made and passed in the Proprietors Meetings, or their Committees; which Record shall be open for the Inspection of any of the Proprietors or their Agents, when and so often as they shall require it; and the Clerk or Keeper of said Record, at any Time refusing such Inspection, shall forfeit and pay the Sum of Five Pounds for every such Refusal, to be recovered in any of His Majesty's Courts of Record, for the Use of the Poor of the Township: And the said Clerk shall be sworn before one of His Majesty's Justices of the Peace to the faithful Discharge of his Office; and the said Proprietors to agree upon and appoint any other Way and Method of calling and summoning Meetings for the future, as shall be most suitable and convenient to the Proprietors; and also to appoint a Number of the Proprietors as a Committee for transacting the Business of the Proprietors, as also to pass Orders for the managing, improving by fencing and diking, or dividing such common Lands; the Voices always to be collected and numbered according to the Interests present where the same is known: *Provided always, That no other Affairs shall be transacted at any Meeting of the Proprietors, than what is expressed in the Warrant or Notification for such Meeting.**

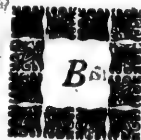
*And it is further enacted, That when and as often as such Proprietors shall agree upon a Division of the Whole or any Part of their common and undivided Lands, a Schedule of the same shall be fairly drawn out, expressing the Number, Limits, and Contents of each Lot, and the Name of the Proprietor to whom the same is allotted, which shall be subscribed by the Clerk and Committee of the said Proprietors, and shall be registred in the public Registry of this Province within Six Months after such Division shall be made; and shall thenceforward be as effectual to confirm the Title of each Proprietor to the said Lands so registred, as if the same had been done by Deeds of Partition.*

*Provided always, That when any Lands are to be laid out and survey'd for Division, by Order of the Proprietors, such Division shall always be made by Lot, and any Person or Persons who shall be impow'ed, may draw for any absent Proprietor or Proprietors; and in case any of the absent Proprietors shall neglect to impower some Person or Persons for that Purpose, then, in such Case, it shall be lawful for the major Part of the Proprietors present to appoint a Person or Persons to draw for such absent Proprietor or Proprietors.*

*Provided also, That when the Number of Proprietors in any Grant shall not exceed Ten, then and in such Case, any One or more of the said Proprietors present, may make the like Application to a Justice of the Peace within the County where such Lands lie, and proceed as is directed by this Act, in the Case where a greater Number of Proprietors are concerned.*

~~THE ACTS OF THE GENERAL ASSEMBLY OF THE PROVINCE OF NEW JERSEY, PASSED IN THE YEAR OF HIS MAJESTY'S REIGN, 1760.~~

**An A C T in Addition to an Act, intituled, *An Act relating to the Assize of Bread; and for ascertaining the Standard of Weights and Measures*; made and passed in the 32<sup>d</sup> Year of His Majesty's Reign.**



*Be it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That from and after the first Day of May, 1760, no Provision or Goods of any Kind shall be sold within the Province, by Stilliards (except the Article of Hay) under the Penalty or Forfeiture of Twenty Shillings, to be paid by the Person or Persons offending, for each and every Default, and to be recovered before any of His Majesty's Justices of the Peace.*

*And it is further enacted by the Authority aforesaid, That the Clerks of the Market are hereby impow'ed to inspect all Beams and Scales, Weights and Measures, as well of Brass as of other Metals, and also the Stilliards used for weighing Hay, once in every Three Months, or oftener,*

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ner, as they shall see Cause; not only those used by the Inhabitants, sel-  
ling publicly by Weights and Measures, but also those used on board  
any Ships or Vessels lying at any Wharves, or at Anchor in any Harbour,  
or by any Person or Persons selling as aforesaid within the Province, and  
the same to assay and stamp, and dispose of as in said Act is directed, and  
under the same Penalties: And all Masters of Ships or Vessels refusing Ad-  
mittance to the said Clerks of the Market, shall be liable to the same Pe-  
nalties as any Inhabitant, in Manner and Form as prescribed by said Act,  
and to be recovered in the same Manner.

And it is also further enacted, that all Fines and Forfeitures incurred  
by this, or the former recited Act, shall be applied, *Three Fourths* to the  
Clerk of the Market, and the other *Fourth* to the Poor of the Town  
where the Offence shall be committed.



## An A C T to prevent the importing disabled, in- firm, and other useles Persons into this Province.

 *E it enacted by his Excellency the Governor, Council, and As-*  
*sembly, and by the Authority of the same it is hereby enacted,*  
That from and after the *First Day of May* next, every Mas-  
ter of any Vessel, who shall bring into this Province, any dis-  
abled, infirm, or other useles Person, shall, when required  
by the *Overseers of the Poor*, give sufficient Security to the said *Over-*  
*seers* and their Successors, for the Payment of the Sum of *Thirty Pounds*  
for every Person so brought; conditioned that each such Person shall not  
become chargeable to the Province within *One Year* next after their Ar-  
rival; and that any Master bringing such Persons as aforesaid, who shall  
refuse to give such Bond, shall forfeit and pay the Sum of *Thirty Pounds*,  
to be recovered by Action of Debt in the Name of the *Overseers of the*  
*Poor*, and for the Use of the *Poor*, in any of His Majesty's Courts of  
Record within this Province.



## An A C T to prevent disorderly Riding Horses and Driving Carts, Trucks, and Sleds, Slays or any other Carriage whatsoever, within the Town of *Halifax*, or any other Town within the Pro- vince.

 *N Order to prevent the Inconveniencies and Mischiefs which*  
*might arise from the negligent and disorderly Riding Horses and*  
*Driving Carts, Trucks, and Sleds for Carriage of Bur-*  
*then, or any other Carriage whatsoever, within the Town of*  
*Halifax, or any other Town within the Province;*  
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Cap. 1



*Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Publication hereof, no Person or Persons shall, on any Pretence whatever, gallop or ride at full Speed on Horseback, or having the Charge of driving any Horse or Horses, in any Cart, Truck or Sled, shall ride upon such Horse or Horses, or remain placed in or upon any part of such Cart, Truck or Sled, within any of the Streets or Highways of the said Town or Towns, and that no such Driver or Drivers shall omit, during such Time, to lead the Shaft or Thill Horse by an Halter, not exceeding four Feet in Length, or shall drive any such Horse or Horses faster than a Foot-pace, upon penalty of Ten Shillings for every such Offence, to be paid upon Conviction by the Testimony of one credible Witness, before any one of His Majesty's Justice of the Peace, within Twenty-four Hours after such Offence committed; and in case of any such Offender's Refusal to pay the same, said Offender shall be put to Labour for the Space of Four Days in repairing the said Highways, under the Direction of the Surveyor or Surveyors of the Highways, or any of them; and in case of Refusal or Neglect to perform such Labour, it shall and may be lawful for any Justice of the Peace, upon Complaint of the said Surveyor or Surveyors, or any of them, to cause such Offender to be committed to the House of Correction, where he shall forthwith receive Ten Stripes, in the usual Manner of correcting Offenders at the said House, and thereupon be discharged.*

*And be it further enacted, That every Owner or Proprietor of any Sled or Slay, used either for Carriage of Goods or Persons, shall cause at least six Horse-Bells to be affixed to the Horse Harness of the said Sled or Slay, and shall not drive the same, or any other Carriage whatsoever, in a disorderly Manner, upon penalty of Twenty Shillings for every Omission or Offence, upon Conviction, on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace, within Twenty-four Hours after such Offence committed; and in case of Refusal or Neglect to pay the same, to be levied on the Goods or Chattles of such Offender, by Warrant of Distress and Sale, under the Hand and Seal of the said Justice.*

*All Fines and Penalties incurred by this Act, to be paid into the Hands of the Surveyors of the Highways for the Time being, to be by them applied towards the Repairing and amending the same.*

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An ACT in Addition to an Act intituled, *An Act for regulating Petit Juries, and declaring the Qualification of Jurors.*



*E it enacted by his Excellency the Governor, Council, and As-sembly, and by the Authority of the same it is hereby enacted,* That from and after the Publication hereof, no Person shall be deemed qualified to serve as a *Grand Juror* for the County of *Halsfax*, at the *Supream Court*, or at the *Sessions of the Peace* for the said County, unless such Person shall be possessed of a *Freehold* in the said County, of the clear yearly Value of *Ten Pounds*, or of a *Personal Estate* of the Value of *One Hundred Pounds*.

Cap. 14

*And be it further enacted,* That the *Provoost-Marshal* of the said County, shall, every Year, *To wit,* On or before the *Ten<sup>th</sup> Day of April*, make Return of *Fifty-five* Persons, so qualified as aforesaid, to the *Clerk* of the *Supream Court*, who shall thereupon cause the Names of the Persons so returned to him, to be written on distinct Pieces of Paper or Parchment, as near as may be of equal Size, which shall be severally rolled up in the same Manner, and put into a Box to be locked up by the said Clerk; and *Ten Days* before the Sitting of the *Supream Court*, the said Clerk shall publicly in the Presence of the *Chief Justice*, at the *Court-House*, draw *Twenty-three* of the said Papers or Parchments, and *Eight Days* before the Sitting of the said Court, a *Precept* shall issue in the usual Form, containing the Names of the Persons so drawn, to the said *Provoost-Marshal* or his Deputy, requiring him to summon the said Persons to attend as *Grand Jurors* at each of the two Sittings of the *Supream Court* next following, and to make due Return of the same, and at the End of the *first Term*, the said Box be delivered to the *Clerk* of the *Peace* of the said County, who shall in like Manner, in the Presence of the Chairman of the *General Quarter Sessions*, draw *Sixteen* Papers or Parchments, *Ten Days* before the Meeting of the then next *Quarter-Sessions*; and the Persons so drawn shall be summoned and returned as aforesaid, to attend the said Court of *Quarter-Sessions* at each of their two next Sittings as *Grand Jurors*; and the remaining *Sixteen* Persons, shall in like Manner, be summoned and returned to serve as *Grand Jurors* at each of the two next *Quarter-Sessions* ensuing the *Quarter-Sessions* aforesaid.

*And be it further enacted,* That if any Person so summoned, shall refuse or neglect to appear on the *first Day* of the Sitting of the said respective Courts, unless prevented by Sicknets or other necessary Cause, to be judged of by the Court, it shall and may be lawful to impose a *Fine* of *Five Pounds* on the Person so neglecting to appear; or if any Person who shall appear, shall, without just Cause to be allowed by the Court, be absent, it shall and may be lawful to impose a *Fine* of *Twenty Shillings* for each Day's Absence; and in case such *Fines* shall not be paid

in *Two Days* after imposing the same, to the said *Clerks* respectively, the same shall be levied by Warrant of Distress, to be forthwith issued from the Court wherein such *Fine* was imposed, and shall be deposited with the *Clerk* of such Court, and within *Two Days* after the Rising of the said Courts, the said *Fines* shall be paid to the Treasurer of the Province, for the Use of His Majesty.

And be it further enacted, That if a sufficient Number shall not appear upon such summons, for constituting a *Grand Jury*, the said *Clerks* shall be directed to draw in open Court, so many of the remaining Papers or Parchments, as shall be requisite for that Purpose, and the Persons whose Names are contained in the same, shall be immediately summoned by the Provost-Marshal or his Deputy, to attend as *Grand Jurors*; and the Papers or Parchments containing the Names of those who shall not appear, shall be forthwith returned into the said Box, and the said Persons shall be liable to the like *Fines* for *Non-Appearance* or *Absence*, to be levied and paid as herein before directed.

And be it further enacted, That no Person who hath served as a *Grand Juror*, at *two Terms* of the *Supream Court*, or at *two Terms* of the *Quarter Sessions*, shall be compelled to serve as *Petit Jurors* within *one Year* from the Time of such his Attendance as a *Grand Juror*.

And be it further enacted, That no *Papist* shall serve or be returned to serve on any *Grand Jury*; and that in all Trials of Issues on any *Pre-sentment*, *Indictment*, or *Information*, it shall be lawful to challenge any *Papist* returned as a *Juror* to try the same, and such Challenge shall be allowed.

And be it further enacted, That in all Cases where it shall be judged necessary to hold a special *Supream Court* or *Court of Sessions*, it shall and may be lawful for the said Courts to issue a *Precept* and *Venire* for summoning *Grand* and *Petit Jurors*, in the same Manner as has been practiced before the making of this or the said former Act for regulating *Petit Juries*, and declaring the *Qualifications* of the same.

And be it further enacted by the Authority aforesaid, That *Grand-Juries* shall not be obliged to attend more than *Six Days* at each *Term* of the *Supream Court*, nor more than *Three Days* at each *Term* of the *Quarter-Sessions*, unless upon some special Occasion; and that *Petit Juries* shall not be obliged to attend more than *Ten Days* from the first Day of the *Jury's* being sworn, at either of the said Courts.

## An ACT for the better and more effectual Establishment of the Church of England in this Province.

5. **E** it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That hereafter when any Church, Chapel, or Place of Worship shall be erected in any Part of this Province, for the Celebration of Divine Service, according to the Rites and Ceremonies of the Church of England, it shall and may be lawful for His

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His Excellency the Governor or Commander in Chief, with the Ad-  
vice and Consent of His Majesty's Council, to prescribe Limits and allot  
a certain District, which shall be the Parish of the Church to be erected;  
and it shall and may be lawful for the Inhabitants or Persons residing  
within the said District, to meet for the Choice of Church-Wardens, Ves-  
try, and Parish-Officers, which Choice shall be made yearly, and at the  
same Time and Manner as is prescribed already for the Parish of St.  
Paul's in Halifax; and all Meetings, Acts and Proceedings of the Pa-  
riskiogers, Church-Wardens, Vestry, and Parish-Officers of said Parish so  
erected, in Behalf of the said Church and Parish, shall be according to  
the Rules and Regulations set forth for St. Paul's Church in Halifax, in  
an Act intitled, *An Act for the Establishment of Religious publick Wor-  
ship in this Province, and for suppressing of Popery*. And the said  
Church-Wardens and Vestry are hereby impowered to act in the same  
Manner, in all Cases as is prescribed in said Act.

And be it further enacted, That the Church Wardens of every Parish  
within the Province, together with the Overseers of the Poor, shall  
have and exercise the same Powers and Authorities in every Respect as  
are given to the Overseers of the Poor, by an Act intitled, *An Act for  
regulating and maintaining an House of Correction or Workhouse with-  
in the Town of Halifax, and for binding out poor children*; and also by  
an Act intitled, *An Act for the Relief of the Poor in the Town of Ha-  
lifax*.



## An ACT for regulating the Rates and Price of Carriages.

Whereas the Rates and Price demanded by the Owners of Trucks,  
Carts, and other Carriages of Goods, Wares and Merchandize, are  
very exorbitant and excessive, and burthensome to Trade: In order, there-  
fore, to remedy the same;

Cap. 11

Be it enacted by his Excellency the Governor, Council, and Assembly,  
and by the Authority of the same it is hereby enacted, That the Justices in  
their General Sessions of the Peace, held for the County of Halifax, shall  
twice every Year, in the Month of March and in the Month of Sep-  
tember, regulate the Fares and Rates for the Carriage of Wood, Barrells,  
Hogsheads, and other Wares and Merchandize in the Town of Halifax  
and its Suburbs, Consideration being had to the Price of Hay, Provender  
for the Cattle, and Price of Day-Labourers; and shall cause a Table of  
the several Rates agreed upon by them at their Sessions to be printed and  
posted up in the most public Places in and about the Town of Halifax.

And be it further enacted, That if any Carman or Owner of Trucks  
or Carts, or any other Carriage, shall ask, demand, or receive, from any  
Person, any other or greater Rates or Fare, than is allowed and prescrib-  
ed by the Table aforesaid, he or they shall forfeit and pay the Sum of  
Twenty

*Twenty Shillings*, to be recovered on the Oath of the Prosecutor, before any one of His Majesty's Justices of the Peace for the County of *Halifax*, and to be levied by Warrant of Distress: One Half to be paid to the Prosecutor, the other Half to be applied to and for the mending of the Streets of *Halifax*.

*And Be it also further enacted*, That the Justices of the Peace at the *Quarter Sessions*, held in and for the several Counties within the Province, are also impowered and hereby required every Year, in the Months of *March* and *September*, to regulate the Fares and Rates of *Carriages* for the several Towns in each of the said Counties, in like Manner and with the same Penalties, and to be recovered as is directed by the preceding Clauses of this Act; one Half of the Fines and Forfeitures to be paid to the Prosecutor, and the other Half applied to and for mending and repairing the Streets of the Town where such Offence shall be committed.

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An A C T in Addition to an Act, intituled, *An Act for the Relief of the Poor in the Town of Halifax*: Made and passed in the 33^d Year of His Majesty's Reign.

p. 7.  HERE AS upon a Representation from the Overseers of the Poor for the Town of *Halifax*, it appears that the Method prescribed by the Act intituled, *An Act for the Relief of the Poor in the Town of Halifax*, (especially such Poor as are not proper Objects for the Workhouse) is ineffectual, For Remedy whereof;

Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Sum of One Hundred Pounds shall be assessed upon the Inhabitants of the Township of *Halifax* aforesaid, for this current Year; which Assessment shall be made by an Act of the *Church-Wardens* and *Vestry* of the Parish of *St. Paul's*, subscribed by the *Church-Wardens*, and a Majority of the said *Vestry*, at two Assessments, at the Discretion of said *Church-Wardens* and *Vestry*; and which Sum so assessed by said *Church-Wardens* and *Vestry*, the said Overseers of the Poor are hereby impowered and directed to collect and receive from the Inhabitants of said Township, according to their respective Rates as assessed; and in case any of the said Inhabitants shall refuse to pay the Sum they are so assessed in, then said Overseers are hereby impowered to levy the same by Warrant of Distress, under the Hand and Seal of any One of His Majesty's Justices of the Peace, against the Person refusing to pay the same.

Provided always, that if any Person shall think himself aggrieved by said Assessment, he may bring his Complaint to the next *General Court of Quarter Sessions*, where the same shall be finally determined.

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in said Overseers are
Distress, under the
of the Peace, against

himself aggrieved by
the next General Court
determined.

And it is further enacted, That said Overseers of the Poor are hereby
required and directed to account upon Oath, for all such Money as they
shall receive by Virtue of this Act, to said Church Wardens and Vestry.

An ACT to prevent any private Trade or Com- merce with the *Indians*.

WHEREAS Articles of Peace have been concluded by and be-
tween his Excellency the Governor, in Behalf of his Majesty,
and the Indian Delegates from the Tribes of St. John's River,
and Palmaquadie, the Bay of Fundi, and Part of the Tribes
of the Micmacs, whereby they have obliged themselves not to trade
with any Person or Persons, but such as shall be appointed Truck-
Masters or licenced for that purpose, by the Governor, Lieutenant-Gover-
nor, or Commander in Chief of the Province for the Time being.

And for the better and more effectual carrying on a Trade and Com-
merce with the said Indians, according to the said Articles, and to prevent
private Persons from carrying on any separate Trade, Commerce, or Dea-
lings whatsoever with the said Indians;

Be it enacted by His Excellency the Governor, Council, and Assembly,
and by the Authority of the same it is hereby enacted, That from and af-
ter the twenty-first Day of May, 1760, no Person or Persons whatsoever,
other than such as shall be appointed Truck-Masters, by His Excellency
the Governor, Lieutenant Governor, or other Commander in Chief for
the Time being, or Persons licenced by them or either of them, for that
Purpose, shall or may presume by themselves or any others for them,
directly or indirectly, to buy, sell, truck, barter, exchange, give, or re-
ceive in Gift, any kind of Provisions, Goods, or Merchandize whatsoever,
to or from any of the aforesaid Indians, or to or from any Person
or Persons in their Name or for their Account, on the Penalty of for-
feiting the Sum of Fifty Pounds Sterling for each and every Offence, and
also the Commodities so clandestinely bought or bartered for.

And be it further enacted by the Authority aforesaid, That from and
after the said 21st of May 1760, the Master of any Ship or Vessel, or any
Mate, Mariner, or Passenger, on board any Ship or Vessel in any Bay,
Harbour, Port, River, or Creek, within the Province, or upon the
Coasts thereof, who shall be found or convicted of trading with the said
Indians, contrary to the Tenor or Effect of this Law, that then the
Master of such Ship or Vessel shall forfeit the Sum of One Hundred
Pounds Sterling, and suffer Twelve Months Imprisonment; and the Vessel
carrying such Goods for trading with said Indians, with all her
Appurtenances, shall be forfeited, together with all such Goods as shall
have been so illicitly purchased of, or bartered for with the said Indians,
and it shall and may be lawful for any of His Majesty's Justices of the
Peace in the said Province, or any Officer commanding any Port or Gar-
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rison in said Province, or any of the said *Truck-Masters*, in case no such Justice be resident at or near such Fort or Garrison, upon Information either by the said *Indians* themselves, or any other Person or Persons whatsoever, made of such illicit Trade, to apprehend the said Master, and keep him in Custody, and to detain the said Vessel and Goods so illicitly purchased of or bartered for with the said *Indians*, until the said Matter be fully enquired into, and finally determined; and all His Majesty's Justices of the Peace, Officers of Forts and Garrisons, and *Truck-Masters*, and all His Majesty's Subjects within said Province, are hereby required and directed to aid and assist in the due Execution of this Act.

And it is also hereby enacted, That all Fines, Forfeitures, and Penalties incurred by this Act, shall be recovered by Bill, Plaint or Information, in any of His Majesty's Courts of Record in this Province, (except in the Case where any Ship or Vessel may be deemed liable, in which Case the same shall be tried and determined in His Majesty's Court of *Vice-Admiralty*) and shall be paid *one Half* to the Treasurer of the Province for the Use of the Government, and the other *Half* to the Informer, who shall sue for and recover the same.

And it is also further enacted, That this Act shall continue and be in Force for and during the Term and Space of *Two Years*, from and after the said *Twenty-first Day of May*, 1760, and no longer.

An ACT in Addition to an Act, intituled, *An Act for preventing Trespasses.*

WHEREAS by an Act made and passed in the Thirty-second Year of His Majesty's Reign, intituled, *An Act for preventing Trespasses*, it was enacted, "That it should be lawful to impound any Swine going at large, within the Streets, Lanes, or Suburbs of the Town of Halifax;" And whereas no Provision was therein made for inclosing Ground for a Pound;

Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That a Pound shall be forthwith made of *Forty Feet* square, at the public Expence, and that the *Grand Jury* of the *Supream Court*, to be held in *April* next, shall appoint a Keeper of the same.

And be it further enacted by the Authority aforesaid, That if any Damage shall be done by breaking any Inclosures, and destroying any of the Produce thereof, by any Horses, Sheep, Goats, Swine, or Neat Cattle, it shall and may be lawful for the Person or Persons whose Fence or Fences shall have been so broken, and whose Inclosures shall have received such Damage, to cause the said Horses, Sheep, Goats, Swine, or Neat Cattle, to be impounded until the Owner or Owners of such trespassing Cattle

Masters, in case no Garrison, upon Information, or other Person or Persons, apprehending the said Master or Vessel and Goods of *Indians*, until the said *Indians*; and all His Majesty's Garrison, and Truckmen of the Province, are to the due Execution

Penalties, and Penalties, and Information, Province, (except in the case of the Court of Vice-Chancellor of the Province, to the Informer,

continue and be in force, from and after the date of the Act.

And Whereas

intituled, *An*

the Thirty-second Act for preventing the lawful to impound Swine, Lanes, or Suburbs, no Provision

Mayor, Council, and enacted, That at the public Exert, to be held in

That if any Damages, any of or Neat Cattle, it the Fence or Pen- will have received Swine, or Neat such trespassing Cattle

Cattle shall claim the same; and the Keeper of the Pound shall cause the same to be Cried as soon as may be, in order that the Person or Persons injured may proceed against the said Owner or Owners of such Horses, Sheep, Goats, Swine, or Neat Cattle, refusing to pay the Damages done by their said Horses, Sheep, Goats, Swine, or Neat Cattle, as is directed in the first Clause of the Act intituled, *An Act for preventing Trespasses*, and the Owner or Owners of such Horses, Sheep, Goats, Swine, or Neat Cattle, shall pay to the Keeper of the Pound, over and above the Damages which shall be adjudged to have been done by the said Horses, Sheep, Goats, Swine, or Neat Cattle, for the Support of the same, for each and every Day the same shall be impounded, *One Shilling* for every Horse, and Head of Neat Cattle, and *Six Pence* for every Sheep, Goat, or Swine. And if the Owner of such Horses, Sheep, Goats, or Swine, or Neat Cattle, shall refuse to pay the same to the Keeper of the Pound, together with the Charge of Crying the same, within *fourteen Days* after the same shall be impounded, the said Horse or Horses, Neat Cattle, Sheep, Goats, or Swine, shall be publicly sold, and the Money arising from said Sale, after deducting therefrom the Pay of the Keeper for supporting them, and the Damages done by the said Horse or Horses, Neat Cattle, Sheep, Goats, or Swine, the Remainder shall be paid to the Owner, and if no Owner shall appear, then to the *Overseers of the Poor*, for the Use of the Poor of the Township of *Halifax*.

And Whereas no Provision is made by the said Act for preventing any Rescue of Swine, Horses, Sheep, Goats, or Neat Cattle,

Be it therefore enacted, That if any Person or Persons shall rescue any Swine, Horses, Sheep, Goats, or Neat Cattle, from any *Hogrevue*, or other Person driving such Swine, Horses, Sheep, Goats, or Neat Cattle to the Pound, the Offender shall forfeit and pay for such Rescue, the Sum of *Twenty Shillings*, over and above all Damages that may be sustained by the Trespass of such Swine, Horses, Sheep, Goats, or Neat Cattle, which Penalty and Damages shall be recovered by the Oath of one Credible Witness, before any One of His Majesty's Justices, and to be levied by Warrant of Distress, and Sale of the Offender's Goods and Chattels; and if any Person or Persons shall make any Breach of the said Pound, or shall by any other indirect Means, deliver any Swine, Horses, Sheep, Goats, or Neat Cattle, out of the same, the Person so offending, being duly convicted thereof before any Two of His Majesty's Justices of the Peace, shall forfeit and pay the Sum of *Five Pounds*, to be levied as aforesaid; and the said Penalties for every such Rescue, and Pound-Breach, shall be paid to the *Church-Wardens* and *Overseers of the Poor*, for the Use of the Poor of the Town of *Halifax*, after deducting the Charges of repairing any Breach of the Pound.

And Whereas by the said Act it was also enacted, "That the Surveyors of Highways should cause the Streets, Lanes, and Highways of the Town and Suburbs of *Halifax*, to be mended at the Charge of the Proprietors of Lands bordering thereon," but no Provision is made by the said Act for rating and levying such Charges,

Be it therefore enacted, That if any such Proprietor shall not, within *fifteen*

fifteen Days Notice from the said Surveyors, cause such Part of the Streets, Lanes, and Highways, as border on his Lands to be levelled and repaired according to the Directions of such Surveyors, such Person shall forfeit and pay such Sum as shall be certified on Oath, by such Surveyors, to be necessary for such Levelling and Repairs; which Sum shall, on such Certificate, be levied by Warrant of Distress and Sale of such Proprietor's Goods and Chattels, to be issued by any One of His Majesty's Justices of the Peace; and when no Goods or Chattels are to be found, then and in such Case the Real Estate shall be liable.

Provided, That if any Person shall be rated by such Certificate, in any Sum exceeding Twenty Shillings, and shall think himself aggrieved, such Person may appeal to the next General Quarter Sessions of the Peace, which is hereby empowered finally to determine the same.

And be it further enacted, That the Justices in their Quarter Sessions of the Peace, in all other Counties within the Province, shall be empowered, and are hereby directed, to make Regulations for preventing Trespases, by Horses, Swine, Sheep, Goats, and Neat Cattle, going astray, in Manner as shall be most agreeable to the Circumstances of such County or Townships therein.



An ACT for further prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly in the 32^d Year of His Majesty's Reign.

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WHEREAS the Resolution or Act of the Governor and Council, revived and put in Force by the General Assembly, intituled, "An Act that foreign Debts should not be pleadable in this Province, unless for Goods imported into the Province, made the 2^d Day of February, 1749, in the 23^d Year of His present Majesty's Reign," and amended and continued by a Resolution or Act made the 14th of January, 1751, is near expiring; And whereas it is thought highly expedient to continue the same for a further Space of Time;

Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the above recited Resolution, or Act of the Governor and Council, be in Force and continue for the Term of One Year from and after the second Day of October next, and until the End of the Session of the General Assembly, then next following.



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An ACT for extending the Bounty on Stone Walls built, and Hay raised within the Peninsula of Halifax.

HEREAS the BOUNTIES granted to Persons for building STONE WALLS, and raising HAY, within the Peninsula of Halifax, is near expiring, and it is thought expedient to continue the same for a further Space of Time;

Cap. 2

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Bounties granted for Stone Walls built, and Hay raised on the Peninsula of Halifax, by the above recited Act, be extended and continue for Three Years, from the first Day of November, One Thousand Seven Hundred and Sixty.

An ACT for the summary Trial of Actions.

WHEREAS the Trial of Causes in a summary Way in the County of Halifax, hath been found very useful, and a Means of determining many Suits with little Costs;

Cap. 2
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Be it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Inferior Courts of Common Pleas within this Province be, and are hereby impowered, in all Causes or Actions brought before them, the Sum Total whereof shall not exceed Ten Pounds, to proceed in a summary Way, by Witnesses to examine the Merits of such Causes, wherein no dilatory Pleas shall be allowed, and to determine therein according to Law or Equity, and to make up Judgment accordingly; subject to an Appeal to the Supreme Court, when the Judgment shall exceed Five Pounds, there to be determined in Manner aforesaid.

Provided always, That when on the Examination of the Witnesses, (which shall be taken in Writing) the Matters of Fact from the Evidence may be doubtful, in such Case they may order a Jury to be summoned to try the same, any former Law of this Province to the contrary notwithstanding.

This Act to continue for and during the Space of Two Years, and until the End of the first Session of the General Assembly then next following.



At the GENERAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun
and holden at *Halifax*, on Tues-
day the 4th Day of *December*, 1759,
in the 33^d Year of His Majesty's
Reign, and there continued by se-
veral Prorogations until Monday
the 8th Day of *September*, 1760.
in the 34th Year of His Majesty's
Reign.

AN ACT

For the making perpetual an Act made and passed
in the 32d Year of His Majesty's Reign, intituled,
*An Act to prevent the Sale of Slop-Cloathing, and
for punishing the Concealers and Harbourers of
Seamen or Marines deserting from the Royal-
Navy.*

*W*HEREAS the said Act was made only to continue and be in
force until the End of this present War; and whereas the said
Law has been found to be very useful and beneficial to the Public,

Be

It is therefore enacted by His Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the said Act to prevent the Sale of Slop Cloathing, and for punishing the Concealers and Harbourers of Seamen and Marines deserting from the Royal Navy, shall be, and the same is hereby made perpetual, any Proviso or Limitation in the said Act notwithstanding.

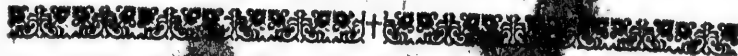


An Act for the ascertaining Damages on protested Bills of Exchange.

Enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Second Day of October, One Thousand Seven Hundred and Sixty, all Bills of Exchange drawn from and after said Time, by Persons residing within this Province, upon Persons in Europe that may be sent back protested, shall be subject to Ten per Cent Damages, and Six per Cent per Annum Interest, from the Day of the Date of the Protest on said Bill, to the Time of Payment.

And be it also enacted by the Authority aforesaid, That all Bills of Exchange drawn by Persons residing within the Province, after said Time, on Persons in the other Colonies, and sent back protested, shall be subject to Five per Cent Damages, and Six per Cent per Annum Interest, from the Day of the Date of the Protest to the Time of Payment.

And be it further enacted by the Authority aforesaid, That all Bills and Orders drawn from and after the said Second Day of October next, by Persons residing within the Province on Persons living or residing in the same, that shall be protested, shall be subject to Six per Cent Interest from the Date of the Protest to the Time of Payment.



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An Act to explain ~~the~~ Act made and passed in the
33d Year of His Majesty's Reign, intituled, *An
Act to enable Proprietors to divide their Lands
held in common and undivided.*

HEREAS in the second Clause of the said Act it is
set forth, That at the first Meeting of the Proprietors of
any common Lands, the said Proprietors shall agree upon
and appoint any other Way and Method of calling and sum-
moning Meetings for the future, as shall be most suitable
and convenient to the Proprietors: And Whereas some
Doubts have arisen, whether such subsequent Meetings
should be within the County or Township where such Lands lie, or without?

It is hereby enacted and declared by his Excellency the Governor, Council
and Assembly, That it was and is the Intention of the Legislature, that
all Meetings of Proprietors relating to the Division of Lands; or any
other matter relative thereto, shall be held within the County where
such Lands lie, unless such Meeting shall be agreed to be held in any
other County in the Province, by a Majority of the Proprietors Resident
in the same.

An Act in Amendment of an Act, intituled, *An
Act for confirming Titles to Lands and Quieting
Possessions.*

HEREAS some Inconveniences have already and frequently
may arise to the Purchasers of Lands in this Province, from
the Difficulty of producing, before the Register or his Deputy,
one of the Witnesses to the Execution of any Deed or Conveyance
brought by them to be registred, either from such Deed or Conveyance hav-
ing been executed in Great-Britain or Ireland, or in some of His Majesty's
Colonies or Plantations distant from this Province, in the Presence of
Witnesses resident there, who cannot be produced before the said Register or
his Deputy, to prove the Execution thereof in Oath, thereby preventing the
due Registring of such Deed or Conveyance, agreeable to the Directions of
an Act made and passed by the Governor, Council, and Assembly of this
Province, in the 2d Year of His Majesty's Reign, intituled, *An Act for
confirming Titles to Lands and quieting Possessions: For Remedy where-*

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of be it therefore enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That from and after the Publication hereof, the Register of Deeds and Conveyances in this Province, or his Deputy, shall and may duly register, as directed by the aforesaid Act, all such Deeds and Conveyances of Lands in this Province, as shall have been made and executed in Great-Britain or Ireland, or in any of His Majesty's Colonies or Plantations, distant from this Province, (tho' one of the Witnesses thereto should not come before him or his Deputy, to prove the same as directed by the said Act) Provided the Execution thereof shall appear to him, either to have been properly acknowledged by the Grantor himself named in such Deed or Conveyance, or be proved by the Oath of one the subscribing Witnesses thereto, before some or one of His Majesty's Justices of the Peace of the Place where such Deed or Conveyance shall have been executed, and duly attested by him; and such Attestation being also authenticated (if in the Plantations) under the Hand and Seal of the Governor, Lieutenant Governor, or Commander in Chief of the Province, where the same shall be made, or of a Public Notary there residing; and if in Great-Britain, or Ireland, under the public Seal of some Corporation there, or by the Attestation and Certificate of some Notary Publick lawfully constituted, resident there, certifying that such Person so subscribing as a Justice of the Peace is really so, and that all Faith and Credit ought to be given to his Attestations.



An Act for further continuing of an Act intituled,
An Act for the reviving and putting in full force
several of the Resolutions or Acts of His Majesty's
Governors and Council of this Province,
heretofore made.

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HEREAS a Resolution by the Governor and Council, intituled
"An Act that any Person or Persons stealing Cordwood,
"Timber, or Materials for Building, from the Wharves in
"Town, or the Beach, shall be compelled to restore Four-
"fold, made the 14th of January 1750, and amended and
"explained by a Resolution made the 29th of April, 1751." And a Re-
"solution intituled, "An Act, that all the Flour imported into the Pro-
"vince should be sold by Weight, made the 6th of March, 1752." And a Resolution
"intituled, "An Act for the preventing and extin-
"guishing Fires, made the 29th of September, 1752." And a Reso-
"lution intituled, "An Act for the Relief of Debtors, with Regard to
"the Imprisonment of their Persons, made the 6th of December, 1752." And

*Council and As-
sembled, That from
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Register, as directed
of Lands in this
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And a Resolution intituled, "An Act that the Proprietors of Lotts of
" Land should fence in their Proportion or *Quota* of said Lands, or be
" subject to an Action on the Case on the failure of the same, made the
" 22d of December, 1752:" And a Resolution intituled, "An Act to
" prevent the destroying or stealing Fences within the *Peninsula* of *Halif-*
" *fax*, Town of *Dartmouth*, and other Lotts situate in and upon the
" Harbour of *Halifax* and *Bedford-Bay*, made the 26th of March:" 1753.
And a Resolution intituled, "An Act to prohibit the taking away or de-
" stroying the Buoys laid down in this Harbour for the Benefit of Navi-
" gation, made the 23d of April, 1753:" And a Resolution intituled,
" An Act to prevent the Exportation of unmerchantable Fish, Lum-
" ber, &c. and to regulate the Assize of Casks, and for appointing
" Gaugers, Surveyors, and Cullers, made the 24th of October, 1754:"
And a Resolution intituled, "An Act to prevent Frauds and Abuses in
" the Sale of Casks of Pork and Beef, made the 14th of April, 1755:"
Were severally enacted to continue and be in Force for *Two Years* from
the *Second Day* of *October*, 1758. And until the End of the Session of the said
General-Assembly then next after: *And whereas it is necessary that the*
Confirmation of the said Resolutions, should be continued for a further Time,
Be it therefore enacted by his Excellency the Governor, Council, and As-
sembly, and by the Authority of the same it is hereby enacted, That the said
Confirmation of the said Resolutions, be and the same is hereby continued
for *One Year* from the *Second Day* of *October* next, and from thence to
the End of the then next Sessions of the General-Assembly.

And Whereas the Resolutions of the 14th January, 1751, and of the 29th
of April following; and the Resolution of the 26th of March, 1753, be-
fore recited, Extend only to the Town of Halifax and the Peninsula: Be
it enacted by the Authority aforesaid, That the said Resolutions be in
Force and Extend, for the Time abovementioned, throughout the
whole Province.

*Act intituled,
in full force
His Majes-
ty's Province,*

*An Act in Amendment of an Act intituled, an Act
for the better Observation and Keeping of the
Lord's Day.*

Council, intituled
stealing Cordwood,
the Wharves in
to restore Four-
and amended and
1751." And a Re-
ported into the Pro-
March, 1754:"
uting and extin-
And a Reso-
with Regard to
December, 1752:"
And

Be it enacted by his Excellency the Governor, Council and As-
sembly, and by the Authority of the same it is hereby enacted,
That in order that all Persons may, on the LORDS-DAY, ap-
ply themselves to Duties of Religion and Piety, both publick-
ly and privately, That no Tradesman, Warehouse-Keeper, Shop-Keeper,
or other Person whatsoever shall, for the future, open his, her, or their
Shop or Warehouse; or either by himself, herself, or by his or her
Servant or Servants, Child or Children, sell, expose or offer to Sale, upon
any

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any Bulk, Stall, or Shed, or send or carry out, any manner of Goods or Merchandize, on the *LORD'S DAY* or any Part thereof. *Provided nevertheless* that this Act shall not extend to prohibit any Persons from selling or exposing to Sale, *and Fresh-Fish*, before the Hour of *Nine* of the Clock in the Morning, and after *Five* of the Clock in the Afternoon, on the said Day.

And be it further enacted by the Authority aforesaid, That no Person whatsoever for the future, shall do or exercise any Labour, Work, or Business, of his or their ordinary Calling, or other worldly Labour, or suffer the same to be done, by his or their Servant or Servants, Child or Children, either by Land or by Water, (Works of Necessity and Charity only excepted) or use or suffer to be used any Sport, Game, Play, or Pastime, on the *Lord's Day*, or any Part thereof; upon Pain, that every Person or Persons, so offending in any of the Particulars beforementioned, upon Conviction thereof upon the Oath of *One* credible Witness, before any *One* of His Majesty's Justices of the Peace of this Province, or upon View of any Justice of the Peace, for every such Offence shall forfeit, and pay the Sum of *Ten Shillings*.

And be it further enacted by the Authority aforesaid, That no Tavern-keeper, Retailer of Spirituous Liquors, Vintner, or other Person keeping a public House of Entertainment within this Province, shall, for the future on any Pretence whatsoever, entertain or suffer any of the Inhabitants or Town Dwellers of *Hanifax*, or any of the Towns respectively, where such Tavern-keepers, Retailers of Spirituous Liquors, Vintners, or other Persons keeping public Houses of Entertainment, respectively dwell, or others not being Strangers or Lodgers in such Houses, or such as come thither for necessary dieting and victualling only, to abide or remain in their dwelling Houses, Out-houses, or Yards, drinking or idly spending their Time on the *Lord's Day*; but shall keep their Doors shut during the Time of divine Service, on Penalty of forfeiting and paying the Sum of *Ten Shillings*, for every Person and Persons respectively so found drinking or abiding in such public Houses or Dependencies thereof as aforesaid; and every such Person or Persons, who shall be found so drinking or abiding in any such public House or Dependencies thereof as aforesaid, shall respectively forfeit and pay the Sum of *Five Shillings*.

And be it further enacted, that the Church Wardens and the Constables, or any one or more of them, shall once in the Forenoon, and once in the Afternoon, in the Time of divine Service, walk through the Town to observe and suppress all Disorders, and apprehend all Offenders whatsoever contrary to the true Intent and meaning of this Act: And they are thereby authorized and impowered to enter into any public House of Entertainment, to search for any such Offenders, and in Case they are denied Entrance, they are hereby impowered to break open, or cause to be broke open, any of the Doors of the said House, and enter therein; and all Persons whatsoever are strictly required and commanded to be aiding and assisting to any Constables or other Officers in their Execution of this Act, on the Penalty of *Ten Shillings* Current Money for every Neglect.

And

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Persons from selling
Hour of *Nine* of
k in the Afternoon,

, That no Person
Labour, Work, or
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Servants, Child or
Necessity and Char-
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on Pain, that every
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ble Witnesses, before
Province, or upon
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any of the Inhabi-
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And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, being of the Age of Twelve Years or upwards, being able of Body, and not otherwise necessarily prevented by real Sicknets, or other unavoidable Necessity, shall for the Space of Three Months together, absent himself or herself from the public Worship on the Lord's Day, shall be subject to a Fine, that is to say, for every Head of a Family Ten Shillings, and for every Child or Servant Five Shillings, to be recovered, upon Complaint before any One of His Majesty's Justices of the Peace, who is hereby empowered to cause the same to be levied.

All Fines and Penalties incurred by this Act are to be to the Use of the Poor of the Town where such Offence is committed; and the Justice and Justices before whom any Person or Persons shall be convicted of offending against this Act, are required to make a Record thereof, in a Book to be kept by him or them.

Provided, That no Person shall be prosecuted for any Offence before-mentioned, unless they be prosecuted for the same within Ten Days after the Offence committed.

And be it further enacted, That every Justice of the Peace shall have full Power and Authority, either upon his own View, or other legal Conviction, of any Offender or Offenders against this Act, or any Part thereof, to levy the Penalties herein before respectively mentioned, in Case the same shall not, upon such Conviction, be paid by the Offender or Offenders, by distress and Sale of the Offender or Offenders Goods and Chattels with Costs; and in Default of Distress, to commit such Offender or Offenders to the common Gaol of the County, there to remain in close Confinement for a Time not exceeding Forty-eight Hours, nor less than Twenty-four Hours.

And be it further enacted, That this Act shall be publicly read Four Times in every Year, viz. At the opening of every Court, General Sessions of the Peace, immediately after the Grand Jury are sworn: And and also twice every Year, viz. On every First Sunday of December, and on every First Sunday in June, in all public Places of Worship within this Province, immediately after divine Service.



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An Act in Amendment of an Act, made and passed in *General-Assembly*, at the Session begun and holden at *Halifax*, on the *Second Day* of *October*, 1758. Intitled, *An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.*

7. **W**HEREAS by an Act made and passed in GENERAL-ASSEMBLY, at the Session begun and holden at *Halifax*, on the *Second Day* of *October*, 1758. Intitled, "An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates:" It is amongst other Matters enacted, "That in Case that Personal Assets shall be deficient for the Payment of any Debts or Legacies, and it shall be found necessary by any Executor or Administrator, to make Sale of any Part of the Real Estate of the Deceased for the Payment of any Debts or Legacies, such Executor or Administrator shall apply to the General-Assembly, to grant a Licence for the Sale of such Part of such Real Estate, as may be most convenient, for the Payment of such Debts or Legacies; and before any Sale be made of any Real Estate, the Executor or Administrator shall give *Thirty Days* public Notice, by posting up Notifications in the most public Places, in the Town where the deceased Person last dwelt, and in the Public Prints, if any such there be; and whoever will give most shall have the Preference in such Sale: And in Case the Estate of such Intestate shall be insolvent, the Executor or Administrator shall make like Application to the General-Assembly for an Inquiry, and for the Appointment of Commissioners to enquire into such Insolvency, and to examine and settle the Claims of all Creditors, and the Amount of the Estate of such Insolvent, and to Authorize such Executor or Administrator to sell all the Lands and Tenements of such Insolvent, and to divide the Produce of the Whole of such Estate, in due Proportion to and among the Creditors."

And Whereas Inconveniences have already arisen, and may hereafter arise by the Delays hereby necessarily occasioned, during Intermittions of the Convention of the General-Assembly.

Be it therefore enacted, by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That all such Applications as by the before recited Clause of the said Act, are to be made by any Executor or Administrator to the General-Assembly, shall,

shall, from and after the Publication hereof, be made to the Governor or Commander in Chief for the Time being, and His Majesty's Council of this Province, who are hereby authorized and empowered to take Cognizance thereof, and to proceed thereon in like Manner, as by the before required Clause of the said Act, should have been done by the General-Assembly.

And be it further enacted, That every Executor or Administrator, who may, by Virtue of this Act, be authorized and empowered to make Sale of any Real Estate, shall, before such Sale made, give Bond by himself or his lawful Attorney, with two Sureties, at the Office of the Register of the Court of Probates, in the County where such Real Estate shall lie, for the just and legal Distribution of the Monies arising from such Sale, in the full Value which, by the Report of the Commissioners for that Purpose appointed, shall be certified to be necessary to be raised by such Sale.

And be it further enacted by the Authority aforesaid, That all Lands, Tenements, or Hereditaments, sold by any Executor or Administrator by Virtue of this Act, shall become the absolute and undoubted Right and Property of the Purchaser or Purchasers thereof, from and after the Time of such Sale.



An Act for Establishing a Public Market at the Market-House in Halifax, and for regulating the same.

Be it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted That the Market-House newly erected in the Town of Halifax, shall be open on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, from Sun rise to One o'Clock in the Afternoon, and on Saturdays from Sun-rise to Ten o'Clock at Night, for the Reception of all kinds of Butchers Meat, Poultry both alive and dead, Roots, Greens, Fruits, and other Vegetables, which may be brought for public Sale therein. The First Market-Day to be held on Monday the Thirteenth Day of October next ensuing, and so to continue in manner aforesaid.

And be it further enacted by the Authority aforesaid, That a proper Person shall be appointed by the Governor or Commander in Chief, to be Keeper of the said Market-House, who shall open and shut the same at the Times herein appointed, and cause it to be kept clean, sweet, and in good Order: And the said Keeper is hereby empowered to let the Stalls,

Stalls, and to sue for, recover, and receive, from the Persons who shall occupy the same, the Monies arising from the Rents, agreeable to the several Rates herein after mentioned; which Monies he shall account for upon Oath, and pay to the Treasurer of the Province once every Three Months, and for his Services in this Office he shall receive a Salary not exceeding Forty Pounds per Annum.

And whereas Disputes and Controversies do often arise in public Markets, which end in Quarrels and Frays; for preventing whereof as much as possible, Be it enacted by the Authority aforesaid, That the said Keeper of the Market-House shall be invested with all the Power and Authority of a Constable, in all Matters relative to the keeping Peace and Order in the said Market; and shall accordingly be sworn into that Office, before any Two of His Majesty's Justices of the Peace, or at the next General Sessions of the Peace for the County of Halifax, after his Appointment.

And be it further enacted, That every Person who shall hire One of said Stalls by the Quarter or any longer Time; shall pay Quarterly, to the Keeper at the Rate of Eight Pounds per Annum for the same; and those who shall hire any of the said Stalls for a shorter Space of Time, shall pay at the Rate of One Shilling and Six Pence per Day to the said Keeper: But live Poultry, Fruits, Greens, and other Vegetables, shall be exposed to Sale on the Benches under the Piazza, Rent free.

And be it further enacted, That the Persons exposing to Sale any Butchers Meat, Poultry, alive or dead, Roots, Greens, Fruit, or other Vegetables, as well within the said Market-House, as without under the Piazza, shall constantly keep the same clean, sweet, and in good Order, to the Satisfaction of the said Keeper, on Penalty of forfeiting to the said Keeper the Sum of Two Shillings and Six Pence for each, and every Neglect; and the said Keeper is hereby impowered immediately to demand the same, and in Case of Refusal, the same shall be levied by Warrant of Distress from any One Justice of the Peace, with Costs.

And also be it enacted, That if any Person shall sell or expose to Sale, any of the beforementioned Commodities within the Town or Peninsula of Halifax, or on board of any Vessels in the Harbour thereof, until such Commodities shall have been first carried to the Market House, and there publicly exposed to Sale on a Market-Day, during the Market Hours; or if any Person or Persons whatsoever shall presume to sell or expose to Sale, on board of any Vessel in the Harbour, or in any Shop, or Stall within the Town and Suburbs of Halifax, (other than in the said Market-House) any Butchers Meat or other the Commodities above-mentioned, during the Market Hours herein before appointed; he shall forfeit a Sum, not exceeding Five Pounds, for every such Offence; to be sued for and recovered before any Two of His Majesty's Justices of the said County: One Moiety to be paid by the said Justices to the Treasurer of the Province, for the Uses of the Government, and the other Moiety to the Person or Persons, who shall inform; and sue for the same.

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Provided always, That nothing in this Act contained, shall debar the Agents or Contractors for Victualling His Majesty's Ships, and the Army, to import the necessary Provisions for fulfilling their respective Orders or Contracts, without exposing them to public Sale, as is herein before directed.

And be it further enacted, That all the Monies arising from the Rents of the said Market-House, over and above the Keeper's Salary, shall be applied to the keeping the said Market-House in proper Repair, under the Inspection of the Clerks of the Market for the Time being; and the Surplusage, if any be, is hereby granted to His Majesty, and shall remain in the Hands of the said Treasurer, to be applied in the first Place, for building a public Slaughter House, and thereafter for the Uses of the Town of Halifax only.



An Act for appointing Commissioners of Sewers.

WHEREAS great Quantities of Marsh, Meadows, and low Grounds, in this Province, and particularly in the Bay of Fundy, and Rivers, Bays and Creeks, branching therefrom, are spoiled by overflowing of the Sea, and other Waters; which by Industry may be greatly improved, as well for the General Good, as for the Benefit and Profit of the Owners; and also much Meadow and Pasture Land might be gained out of Swamps, and other rough and unprofitable Grounds by drowning and draining the same: To the Intent therefore, that the new Setlers and other Proprietors of such Marshes, Meadows, and low Grounds, may be encouraged and enabled to raise Dykes, and remove such Obstructions as prevent these Lands from being immediately useful.

Cap. 9.
Add. Act

Be it enacted, by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That it shall be in the Power of the Governor or Commander in Chief, with the Advice of His Majesty's Council, upon Request of any of the Proprietors of such Lands, to grant Commissions of Sewers, to such and so many able and discreet Persons, as to them shall seem meet, for the building and repairing such Dykes and Wares as are necessary to prevent Inundations; and also for the damming and flowing of Swamps, and other unprofitable Grounds, and draining of them: By which Commissions the said Commissioners shall be empowered to meet and convene together from Time to Time as Occasion may require, to view, consider, consult, and contrive such Ways and Methods for building and repairing such Dykes and Wares, as are necessary to prevent Inundations, and for the drowning and draining of Swamps, and other unprofitable Grounds; and to employ Workmen and Labourers, for such reasonable Wages as may be agreed on.

on, for the effecting the Premises; and from Time to Time to assess and Tax all such Persons as may or shall be Owners of such Meadows, Marshes, or such unprofitable Swamps and Lands as aforesaid, towards the Charge thereof, having Regard to each Person's Quantity of Land and Benefits to be received thereby, as equally, according to their best Judgment, as they can; and also to appoint and swear a Collector or Collectors for the Collecting, gathering, and paying the same, to such Persons as by the said Commissioners shall be appointed to receive it; with Powers to restrain all such Persons as shall neglect or refuse to make Payment of his, her, or their Parts or Proportions, set and assessed as aforesaid, in such manner as is usually done in the like Cases; and to call before themselves the said Collector or Collectors, to account for his or their Trusts with Reference to the Premises; and likewise to value such Repairs as may have been made to the said Wares and Dykes, by the present Settlers before the Date of their said Commissions, and to Proportion an Assessment for Payment of the same by those who have been or may be benefited thereby, in the same manner as if such Repairs had been made by their own Order, in Virtue of their said Commissions.

And be it further enacted by the Authority aforesaid, That the said Commissioners shall be sworn for the faithful Discharge of their Trust, and shall receive such Salaries out of the said Assessment, for their Time and Expences touching the Premises, as the Governor and Council shall appoint, unto whom the said Commissioners shall be accountable, when they shall be thereto required.

And be it also further enacted by the Authority aforesaid, That in Case it shall so happen, that any Proprietor of any such Lands, Marshes, or Meadows, to be dyked and drained as aforesaid, shall be unable, or otherwise neglect to pay his, her, or their Part or Proportion of the said Rates or Assessments, it shall and may be lawful to and for the other Proprietors concerned therein, to pay the said Assessments, and to hold the said Lands and Meadows so long until the Rates and Profits to be received of those Lands may reimburse them, and the Commissioners aforesaid shall determine the Time how long.

Provided always, That any Person thinking himself aggrieved at any Procedure had or made by the said Commissioners, or any other in Pursuance of this Act, may appeal therefrom to the Governor and Council, for Relief, who are hereby impowered to order the Possession of all such Lands as are held for Payment of the Assessments beforementioned, to be restored to the Proprietor, on Proof before them, that the said Assessments have been received out of the Profits of the same.



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An Act for further prolonging an Act, made and
 passed in the 32^d Year of His Majesty's Reign,
 intituled, *An Act for granting to His Majesty an
 Excise upon Wine, Rum, and other distilled
 Spirituous Liquors sold by Retail*; as also
 of an Act, intituled, *An Act for the better disco-
 vering and more effectually suppressing unlicenced
 Houses.*

W HEREAS the granting Bounties and Premiums, has great-
 ly promoted and encouraged Labour and Industry in this
 Province; and WHEREAS it has been thought expedient
 to continue Sundry of them for a further Space of Time.
 In Order therefore to establish a Fund for the Payment
 of the said Bounties and Premiums, Be it enacted by his
 Excellency the Governor, Council, and Assembly, and by
 the Authority of the same it is hereby enacted, That the
 Act made and passed in the 32^d Year of His Majesty's Reign, intituled,
 "An Act for granting to His Majesty an Excise upon Wine, Rum, and
 "other distilled Spirituous Liquors sold by Retail;" as also an Act,
 "intituled, "An Act for the better discovering and more effectual sup-
 "pressing unlicenced Houses," together with the Act made and passed
 "in the 33^d Year of His Majesty's Reign, intituled, *An Act in Ad-
 dition to and Amendment of, and for further prolonging the said above
 recited Acts*, be and are hereby prolonged, continued, and be in Force
 for and during the Space of Seven Years, from and after the First Day
 of February, 1764, and until the End of the First Session of the Ge-
 neral Assembly next following.

Cap. 10
 P. 21a

*An Act for encouraging the Improvement of Lands
in the Peninsula of Halifax, and further quiet-
ing of Possessions.*

11.



HEREAS great Inconveniencies and Prejudices have arisen, on Account of not improving the Lands on the Peninsula of Halifax: And Whereas by the Absence of several Grantees, and the Neglect and Death of others, many of the Lots lie waste.

In Order therefore to encourage the Improvement of the Lands within the said Peninsula, Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That in all Cases where the Grantees of Lands within the said Peninsula, have been Absent from the Province, or have lived therein, for the Space of Seven Years, and no Improvement made thereon for that Time: And likewise in such Cases where any Grantees of Lands are Dead, and no Persons in Right of such Grantees have claimed said Lands; it shall and may be lawful, upon an Inquest of Office, on the Oaths of Twelve Men sworn for that Purpose, held before the Commissioner of Escheats and Forfeitures, according to the Commission to him granted, and duly returned into the Office of Register of the Court of Chancery, for the Governor or Commander in Chief for the Time being, with the Advice and Consent of His Majesty's Council, to make Grants and Conveyances of such Lands so returned, which Grants and Conveyances shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

Provided, That it shall and may be lawful, for all Persons interested or intitled to such Lands as are comprized in said Office, to traverse the same, within Twelve Months from the Date of such Inquest, And if the said Office shall not be traversed within said Time, the Grant of said Lands, by Virtue of such Inquest, by the Governor or Commander in Chief with Advice as aforesaid, shall be absolute according to the Form and Effect of such Grant.

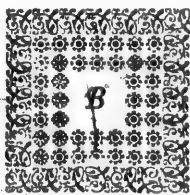
And whereas it may be doubtfull, whether the Registry of Lots of Land (granted simply as Lots without any formal Conveyance under the Seal of the Province) within the said Peninsula of Halifax, or elsewhere in this Province, import a Conveyance in Fee Simple to the Persons in whose Names the same are registred: For the Quietting such Persons in their Possessions,

Be

Be it enacted, by the Authority aforesaid, That all and every Person, having a Right to claim by Virtue of such Registry, (excepting the Persons Absent or neglecting to improve as aforesaid) shall be intitled to a full and absolute Estate in Fee Simple, in the Lands so registred; any want of Form in the said Registry notwithstanding.



*An Act for, continuing an Act, intituled, “ An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.” And also, “ An Act in Addition to, and Explanation of “ an Act, intituled, *An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.**



*Be it enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That an Act, intituled, “ An Act for “ confirming the past Proceedings of the Courts of “ Judicature, and for regulating the further Proceedings of the same:” And also, “ An Act in Addition to, and Explanation of an Act, intituled, *An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same;* shall be and the same are hereby continued for *One Year*, from the *Second Day of October, 1760*, and from thence to the *End of the then next Sessions of the General Assembly.**

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An Act for granting and establishing an Allowance to the Collector or Collectors of the Impost and Excise Duties.

Enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted That out of the Money arising from the Duties on Impost and Excise from and after the Twentieth Day of December next, his Excellency the Governor, or Commander in Chief of this Province for the Time being, shall be and is hereby empowered, to grant and allow unto any Collector or Collectors of such Duties on the Impost and Excise, who may be from Time to Time appointed by such Governor or Commander in Chief, for all the Expence, Charges, and Trouble of such Collector or Collectors, and of any Officers to be by such Collector or Collectors appointed for assisting such Collector or Collectors, any Sum not exceeding Seven Pounds Ten Shillings for each Hundred Pounds, that may be collected of such Impost and Excise Duties; and that the said Grant and Allowance of Seven Pounds Ten Shillings in the Hundred, shall be in full of all Claims, Expences, Charges, and Demands whatsoever, for or on Account of collecting such Impost and Excise Duties as aforesaid.

Provided, That before such Collector of Impost shall enter upon his said Office, he shall give such Security and take the like Oaths, as are directed for the Collector of Excise, by an Act, intitled, An Act for granting unto His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors sold by Retail.

And be it further enacted, That this Act shall continue and be in Force for the Term and Space of One Year, from and after the said Twentieth Day of December next, and until the End of the Session of the General Assembly then next following.

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*An Act in Amendment of an Act, intituled, An
Act relating to Treasons and Felonies.*

W Hereas by an Act intituled, An Act relating to Treasons and Felonies, it is amongst other Matters enacted, "That if any Person or Persons indicted of any Offence, for which they are excluded from the Benefit of Clergy, or of the said Act, shall challenge peremptorily above Twenty of the Jury, Judgment shall be pronounced and Executed on awarded against such Person or Persons, as if such Person or Persons, had been convicted of such Offence by Verdict or Conviction." And Whereas it will be more agreeable to the common Course of Justice, to allow the Benefit of Defence and Trial, Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That in all Cases where any Prisoner shall challenge peremptorily above Twenty of the Jury, such Challenge shall be over ruled, and the Jurors shall be sworn for the Trial of such Prisoner, as if no such Challenge had been peremptorily made.

Cap. 14

*An Act in Addition to and Amendment of an
Act, intituled, An Act for the better and more
effectual Establishment of the Church of England
in this Province.*

W Hereas great Detriment and Inconvenience may arise to the Ministers of Saint Paul's Church in the Town of Halifax, as well as to the Ministers of Churches, which may be hereafter established within this Province, for Want of sufficient Power to sue and recover from the Church Wardens, such Sum or Sums of Money, as they may have received from Time to Time, for the Use of said Ministers; Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the said Ministers shall be and are hereby impowered to sue for and recover from the said Church Wardens, all such Sums, as they may have received, or shall neglect to Sue for and recover, for the Use and Benefit of said Ministers.

Cap. 15

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An Act for continuing an Act, intitl'd 'An Act to prevent any private Trade or Commerce with the Indians.

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WHEREAS the Measures proposed by the Act, intitl'd, "An Act to prevent any private Trade or Commerce with the Indians," are found to be of great Use, in keeping up a friendly Correspondence and Intercourse with the Indians; it is therefore thought that the Continuing the said Act will greatly tend to the Good of His Majesty's Service, and to the Advantage of His Subjects in this Province. And Whereas the said Act is only continued and to be in Force for the Term and Space of Two Years, from and after the 21st Day of May, 1760.

Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the said Act, intitl'd, "An Act to prevent any private Trade or Commerce with the Indians," be and is hereby made perpetual, any Matter or Thing in the said Act contained to the contrary notwithstanding.

An Act for regulating the Common belonging to the Township of Lunenburg.

17.

WHEREAS his Excellency the Governor has granted and set a part, a Tract of Land lying in the Peninsula of Lunenburg, to serve as a Common for the Inhabitants of said Town; And Whereas it is necessary, That some Regulations should be made by proper Persons, for the common Benefit of the said Inhabitants from Time to Time, as their Situation and Circumstances may require.

Be it therefore enacted by his Excellency the Governor, Council, and Assembly and by the Authority of the same it is hereby enacted, That the Justices in their Quarter Sessions, to be next held in March for the said Town and County, shall give it in Charge to the Grand Jury then and there summoned, to affix and settle such Regulations, as they may think most proper and convenient to be observed and followed by the Inhabitants of Lunenburg; to continue for One Year, from such Session; and such Regulations as shall be approved of by the Justices of said Sessions, shall be and

are hereby declared to be the stated Rules, to be kept, observed, and followed with Relation to the said *Common*, by the aforelaid Inhabitants, for and during the Space aforelaid.

And be it further enacted, That the said Justices shall, in the like manner at their *Annual Sessions*, thereafter to be held in *March*, proceed and give in Charge to the *Grand Jury* in manner aforelaid, and settle and approve of such Rules and Regulations for the said *Common*, to serve for the Year then next ensuing, as to them shall appear most proper and convenient.

And be it also further enacted, That the said Justices shall be, and are hereby impowered to settle, and appoint such Pains and Penalties, to be inflicted upon the Person or Persons, who shall neglect or refuse to obey the Rules and Regulations so to be settled, at the said *annual Sessions* of the Peace, as to them shall appear to be just and equitable.

Provided, That such Pains or Penalties to be inflicted, shall not exceed the Sum of *Forty Shillings* each.



An Act for building a publick *Slaughter House* in the Town *Halifax*, and for regulating the same.

Whereas the killing of Cattle, Swine, and Sheep, within the Town of *Halifax*, by the Butchers at their Houses and Shops, is become a public Nuisance, occasioned by the Dung and Garbage being thrown into the Streets.

Be it therefore enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That there shall be erected and build a *Slaughter House* upon the Beach, set apart for that Purpose by his Excellency; which House, when built, shall be for the Publick Use of all People, who may have Cattle to kill for Sale at the public Market only; and his Excellency the Governor or Commander in Chief for the Time being, is hereby impowered to cause the said *Slaughter House* to be built, and of such Dimensions as to him shall appear to be of sufficient Extent, Usefulness, and Conveniency for the Purposes aforelaid.

And be it further enacted, That as soon as the said *Slaughter House* is finished, which shall be made Publick for Cattle, Swine, or Sheep of any Kind, shall be killed within the Town and Suburbs of *Halifax* for public Sale, excepting at the said *Slaughter House*: And all Persons acting contrary thereunto, shall forfeit and pay a Sum not exceeding *Twenty*

Twenty Shillings for every Beast so killed, to be levied by any *One* of His Majesty's Justices of the Peace, upon View of the same, or recovered by the Oath of *One* credible Witness, before any *One* of His Majesty's Justices of the Peace for the said Town, for the Use of the *Poor*.

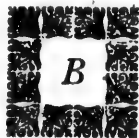
Provided, That nothing herein contained shall debar any Person or Persons, who have private Slaughter Houses situated upon the Water on any Wharf in the Harbour, from using their said Slaughter Houses, if upon Return made by the *Keeper* of the *Market House*, it appears at the next Quarter Sessions to be inoffensive to the Public.

And be it also further enacted, That the *Keeper* of the *Market House* shall have the Care of the said Slaughter House, and shall visit the same at least thrice a Week; and shall cause the Persons who make Use thereof to keep it clean and sweet, and to deprive such Persons, who shall refuse so to do, of the Use thereof until they comply therein; and shall also be empowered to Sue any Person or Persons, from whom the Building may have suffered Damage, who shall be obliged to make sufficient Repairs of such Damage to his Satisfaction.



An Act for further extending of Bounties and Premiums.

19.
ed. **W**HEREAS the Bounties and Premiums, formerly granted have been found to be a great Incouragement to Industry, and it is thought expedient to continue such of them as are most advantageous, beyond the Time to which they were formerly limited.



B it therefore enacted by the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the following Bounties and Premiums be paid by the Treasurer of this Province, out of the Monies already granted or that shall be granted by the General Assembly, by Duties on Wine, Beer, Rum, and other Spirituous Liquors, or any other Duty that shall be found necessary to be laid hereafter, in order to discharge the same, to the Person or Persons producing Certificates in manner hereafter directed, viz.

That the Sum of *Two Shillings* and *Six Pence* be paid by the Treasurer, for every Rod of good and sufficient Stone Wall, which may be erected on the Peninsula of *Halifax*, being *Sixteen* and a half Feet long, *Four Feet* and a half in Height, *Three Feet* at least thick at the Bottom, and *One Foot* over at the Top; and containing not less than *Forty Rods*:

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This Bounty to continue for the Space of Seven Years from the First of November, 1763.

That there be paid by the Treasurer the Sum of One Shilling for every Gross Hundred Weight of good Hay, which shall be cut and made within the Peninsula of Halifax: This Bounty to commence the First of November 1763, and to continue Seven Years thereafter.

That there be paid by the Treasurer One Penny for every Pound of Merchantable Hemp. That is to say, bright, well cured, and Water rotted, of Four Feet at least in Length, cleansed and twingled: And One Penny for every Pound of Merchantable Flax, fitted as aforesaid. These Bounties to continue for Three Years, from the twenty Fifth Day of March 1761.

That there be paid by the Treasurer the Sum of two Pence for each Bushel of Oats, raised within the Peninsula of Halifax and Township of Lunenburg. This Bounty to continue for the Space of two Years, from the said twenty Fifth Day of March 1761.

That there be paid by the Treasurer, two Shillings for every Gross Hundred Weight of good Hay, which shall be cut and made within the Township of Lunenburg, from Upland cleared and to be cleared by the Settlers, Garden Lots upon the Common excepted, for one Year from and after the twenty Fifth Day of March 1761: And the Sum of one Shilling for every Gross Hundred Weight of Hay, that shall be cut and made as aforesaid for the three next succeeding Years.

And be it further enacted by the Authority aforesaid, That the Person or Persons, who shall claim any of the Bounties aforesaid, or the Premiums hereafter specified, shall be obliged by himself or his Assigns, to produce to the Treasurer such Certificates as is directed by an Act made in the 32d Year of His Majesty's Reign, intituled, *An Act for granting Bounties and Premiums on the fencing and improving Lands, raising Grain, Roots, Hay, Hemp, Flax, and catching and curing of Fish*; before they shall be intitled to receive the Bounties and Premiums hereby granted.

And be it enacted, That for the further Encouragement of such Persons as shall undertake the raising of Hemp and Flax within this Province, there shall be paid by the said Treasurer over and above the beforementioned Bounties, the following Premiums, To wit,

To the Person who shall raise the greatest Quantity of Hemp or Flax, exceeding one Thousand Weight, the Sum of Ten Pounds: And to the Person who shall raise the next greatest Quantity of Hemp or Flax, exceeding Five Hundred Weight, Five Pounds: And likewise to the Person who shall raise the next greatest Quantity of Hemp or Flax exceeding Three Hundred Weight, the Sum of Three Pounds.

And be it further enacted, That all Bounties and Premiums payable by Virtue of this Act, shall be paid by the Treasurer of the Province, on or before the twenty Fifth of March Annually, or in the Space of four Months next thereafter.





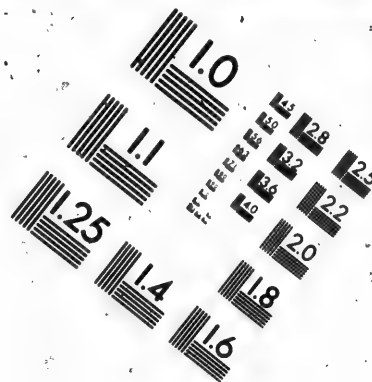
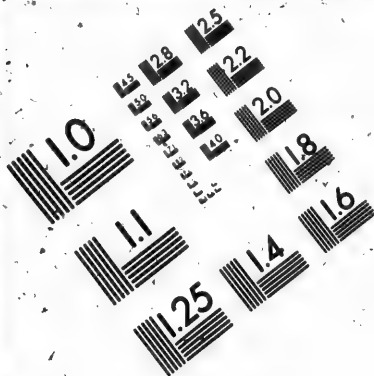
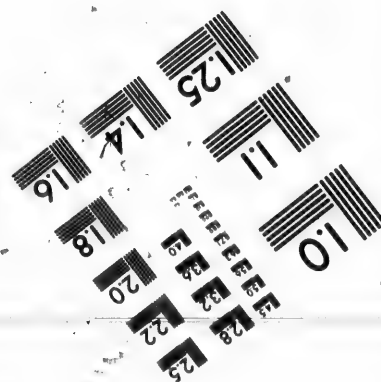
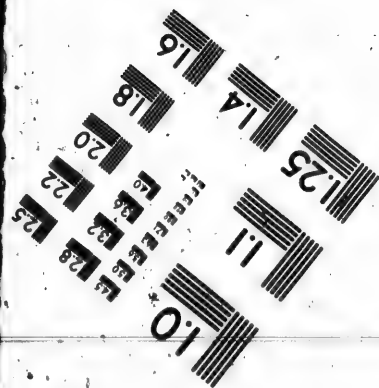
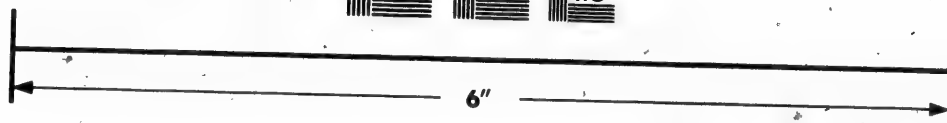
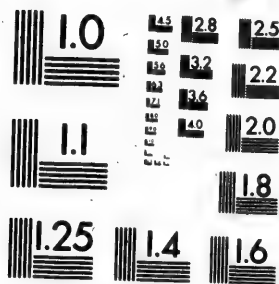


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An Act for further prolonging the several Acts herein after mentioned, relating to the Duties of *Impost* and *Excise*, heretofore granted by the *General-Assembly* of this Province on Wines, Beer, Rum, and other distilled Spirituous Liquors.

ap. 20.
enacted.

HEREAS the Fund arising from the several Duties of *Impost* and *Excise* on Wines, Beer, Rum, and other distilled Spirituous Liquors, granted by the *General-Assembly* of this Province, will be insufficient to answer the Payment of the Bounties and Premiums already granted, and now proposed to be granted.

Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the Authority of the same it is hereby enacted, That the Act made and passed in the 32d Year of His Majesty's Reign, intituled, "An Act for confirming the Proceedings on the several Resolutions of the Governors and Council of this Province, relating to the Duties of *Impost* on Rum and other distilled Spirituous Liquors, and enabling the late Collector or Receiver to recover the Monies unpaid for any Bonds or Notes remaining in his Hands; and for establishing and regulating several Duties of *Impost* on Wine, Beer, Rum, and other distilled Spirituous Liquors for the future:" And also an Act in Addition to and Amendment of the said Act, and for the further Continuance of the same, made and passed in the 33d Year of His Majesty's Reign; Be and are hereby prolonged, continued and to be in Force for and during the Space of *Seven Years*, from and after the *First Day of January 1764*, and until the End of the First Session of the *General-Assembly* then next following.

And be it also enacted by the Authority aforesaid, That the Act intituled, "An Act for laying a Duty of *Excise* of three Pence per Gallon on all Rum and other Spirituous Liquors distilled within this Province, and for granting a Bounty on the Exportation thereof, made and passed in the 33d Year of His Majesty's Reign," be and is hereby prolonged and continued, and to be in Force for and during the Space of *Seven Years* from and after the *fifteenth Day of January 1764*, and until the End of the first Session of the *General-Assembly* then next following.

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At the GENERAL - ASSEMBLY, of
the Province of *Nova-Scotia*,

Begun and holden at *Halifax*, on
Wednesday the *First* Day of *July*,
1761, and in the *First* Year of
His Majesty's Reign.

An Act for the better Observation and Keeping
of the LORD'S DAY.

BE it enacted by the Honourable the Commander in Chief,
the Council and Assembly, in order that all Persons may,
on the Lord's Day, apply themselves to Duties of
Religion and Piety, Both publicly and privately, no
Tradesman, Warehouse Keeper, Shop-Keeper, or other Person
whosoever shall, for the future, open his, her, or their Shop
or Ware-House, or either by himself or herself, or by his or
her Servant or Servants, Child or Children, sell, expose, or offer
to Sale, upon any Bulk, Stall, or Shed, or fenc or carry out, any man-

ner of Goods or Merchandize, on the *Lord's Day* or any Part thereof, *Provided nevertheless*, that this Act shall not extend to prohibit any Persons from selling or exposing to Sale, *Milk* and *Fresh Fish*, before the Hour of *Nine* of the Clock in the Morning, and after *Five* of the Clock in the Afternoon, on the said Day.

And be it further enacted, That no Person whatsoever for the future, shall do or exercise any Labour, Work or Business, of his or their ordinary Callings, or other worldly Labour, or suffer the same to be done, by his or their Servant or Servants, Child or Children, either by Land or by Water, (Works of Necessity and Charity only excepted) or use or suffer to be used any Sport, Game, Play, or Pastime, on the *Lord's Day*, or any Part thereof; upon Pain, that every Person or Persons to offending in any of the Particulars beforementioned, upon Conviction thereof upon the Oath of *One* credible Witness, before any *One* of His Majesty's Justices of the Peace of this Province, or upon View of any Justice of the Peace, for every such Offence shall forfeit, and pay the Sum of *Ten Shillings*.

And be it further enacted, That no Tavern-keeper, Retailer of Spirituous Liquors, Vintner, or other Person keeping a publick House of Entertainment within this Province, shall for the future on any Pretence whatsoever, entertain or suffer any of the Inhabitants or Town Dwellers of *Halifax* or any of the Towns respectively, where such Tavern-keepers, Retailers of Spirituous Liquors, Vintners, or other Person keeping publick Houses of Entertainment, respectively dwell, or others not being Strangers or Lodgers in such Houses, or such as come thither for necessary Dieting and Victualling only, to abide or remain in their Dwelling Houses, Out-Houses, or Yards, drinking or idly spending their Time on the *Lord's Day*; but shall keep their Doors shut during the Time of Divine Service, on Penalty of forfeiting and paying the Sum of *Ten Shillings*, for every Person and Persons respectively so found drinking or abiding in such publick Houses or Dependencies thereof as aforesaid; and every such Person or Persons, who shall be found so drinking or abiding in any such publick House or Dependencies thereof as aforesaid, shall respectively forfeit and pay the Sum of *Five Shillings*.

And be it further enacted, That the Church Wardens and the Constables, or any one or more of them, shall once in the Forenoon, and once in the Afternoon, in the Time of Divine Service, walk through the Town to observe and suppress all Disorders, and apprehend all Offenders whatsoever contrary to the true Intent and meaning of this Act: And they be hereby authorized and impowered to enter into any publick House of Entertainment, to search for any such Offenders, and in Case they are denied Entrance, they are hereby impowered to break open, or cause to be broke open, any of the Doors of the said House, and enter therein; and all Persons whatsoever are strictly required and commanded to be aiding and assisting to any Constables or other Officers in their Execution

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ution of this Act, on the Penalty of *Ten Shillings* Current Money for every Neglect.

And be it further enacted That if any Person or Persons whatsoever, being of the Age of *Twelve Years* or upwards, being able of Body, and not otherwise necessarily prevented by real Sickness, or other unavoidable Necessity, shall for the Space of *Three Months* together, absent himself or herself from the public Worship on the *Lord's Day*, shall be subject to a Fine, *that is to say*, for every Head of a Family *Ten Shillings*, and for every Child or Servant *Five Shillings*, to be recovered, upon Complaint before any One of His Majesty's Justices of the Peace, who is hereby empowered to cause the same to be levied.

All Fines and Penalties incurred by this Act are to be to the Use of the Poor of the Town where such Offence is committed; and the Justice and Justices before whom any Person or Persons shall be convicted of offending against this Act, are required to make a Record thereof, in a Book to be kept by him or them.

Provided, That no Person shall be prosecuted for any Offence before mentioned, unless they be prosecuted for the same within *Ten Days* after the Offence committed.

And be it further enacted, That every Justice of the Peace shall have full Power and Authority, either upon his own View, or other legal Conviction of any Offender or Offenders against this Act or any Part thereof, to levy the Penalties herein before respectively mentioned, in Case the same shall not, upon such conviction, be paid by the Offender or Offenders, by distress and Sale of the Offender or Offender's Goods and Chattels with Costs; and in Default of Distress, to commit such Offender or Offenders to the common Gaol of the County, there to remain in close Confinement for a Time not exceeding *Forty eight Hours*, nor less than *Twenty four Hours*.

And be it further enacted, That this Act shall be publicly read *Four* Times in every Year, *viz.* At the opening of every *Court of General Sessions of the Peace*, immediately after the Grand Jury are sworn: And also twice every Year, *viz.* On every First Sunday of *December*, on every First Sunday in *June*, in all public Places of Worship within this Province, immediately after divine Service.

IN TESTIMONY WHEREOF

WITNESSETH

An

An Act in Amendment of an Act, intituled, *An Act, directing the Proceedings against forcible Entry and Detainer.*

ap. 2.

HEREAS in the Act, intituled, An Act directing the Proceedings against forcible Entry and Detainer, no Provision is made for securing and maintaining the Inheritance, and Title of Minors, Femes Covert, Persons non compos mentis, imprisoned, or Absentees; Be it therefore enacted by the Honourable the Commander in Chief, Council, and Assembly, That nothing in the said Act shall extend or be construed to bar the Right of any Minor, Feme Covert, or Person non Compos mentis, imprisoned, or absent from the Province, but they shall be intitled to sue for, and recover any Lands or Tenements within the Province aforesaid, to which they are intitled, within Five Years after such Impediment shall be removed, any Thing in the said Act to the contrary in any wise notwithstanding.

An Act in further Amendment of an Act, intituled, *An Act for confirming Titles to Land and quieting Possessions.*

ap. 3.

HEREAS the Time allowed by the Act, intituled, An Act for confirming Titles to Lands and quieting Possessions, to Femes Covert, Persons non Compos mentis, imprisoned, or in Captivity, to sue for Recovery of any Lands or Tenements within the said Province, to which they are intitled, has expired, and insufficient, nor is there in the said Act any Provision made for the Relief of Minors

Minors or Persons out of the Province; Be it therefore enacted by the Honourable the Commander in Chief, Council and Assembly That nothing in the said Act, nor any Thing therein contained, shall extend or be construed to extend, to bar the Title of any Minor, Feme Covert, or Person non compos mentis, imprisoned, or absent from the Province, but they shall be intitled, to sue for and recover any Lands or Tenements within the Province aforesaid, to which they are intitled, within Five Years after such impediment shall be removed, any Thing in the said Act to the contrary in any wise notwithstanding.



An Act for the registering of Marriages, Births and Deaths.

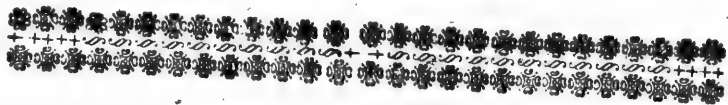
FOR preventing of great Uncertainty and Inconvenience, that may happen for Want of a Register of Marriages, Births and Deaths.

Cap. 4.

BE it enacted, by the Honourable the Commander in Chief, Council and Assembly, That in every Township within this Province, where no Parish shall be established, the Proprietors Clerks, who are hereby appointed Registers of Marriages, Births and Deaths, in their respective Townships, and who are, hereby impowered and required, to take an Account of all Persons that shall be married, or that shall be born or shall die, within each Township respectively, and fairly to register in a Book their Names and Surnames, as also the Names and Surnames of their Parents, with the Time of their being married, or of their Birth and Death; and the Register shall demand and receive the Fee of Six Pence, and no more, for each and every Registry by him so entered, to be paid by the Persons who shall be married, and by the Parents or others nearest of Kin to, or concerned with the Party born or dying. And if any shall refuse or neglect to give Notice to the said Register, of the Marriage by the Persons themselves, or of the Birth or Death of any Person that they are so related to or concerned for; or to pay for Registering as aforesaid, within the Space of Thirty Days next after such Marriage, Birth or Death, every Person so refusing or neglecting, and being (upon the Complaint of any Register) thereof convicted before one of His Majesty's Justices of the Peace within the same County, shall forfeit and pay unto such Register, the Sum of Five Shillings; to be levied by Distrets

Distress and Sale of the Offenders Goods, by Warrant from such Justice, if Payment be not made within *four Days* next after Conviction as aforesaid. And every such Register shall give forth from the Registry a fair Certificate under his Hand, of Persons married, born, or dying in the Township, to any who shall desire the same; and he shall receive *one Shilling* and no more, for every Certificate so given.

And be it also further enacted, That the Registry so kept, shall be sufficient Evidence in any Court of Record within this Province.



An Act for preventing Damages by unreasonable burning, or firing of the Woods.

HERE AS setting on Fire the Woods, and Underbrush, in the dry Season of the Year, by spreading, has done much Damage in the burning Houses, Fences, Hay, &c. And whereas in the present Situation of the new Settlements, it may be necessary, that such Regulations should be made, as will be most convenient and useful for clearing the Lands with the least Risk,

Be it therefore enacted, by the Honourable the Commander in Chief, Council & Assembly, That the Justices in the several Counties within this Province, in their Quarter Sessions to be next held in *March*, for the said Counties, shall give it in Charge to the Grand Juries, then and there summoned, to affix and settle such Regulations within their respective Counties, as they may judge most proper and convenient, to be observed and followed by the several Inhabitants within the said Counties, for preventing Damage by setting Fire to, and burning the Woods, Underbrush, or Marsh Lands at unreasonable Times, with as little Prejudice as possible to the clearing of Lands in the new Settlements. And such Rules and Regulations as shall be approved of by the Justices of the said Sessions, shall be, and are hereby declared to be the Stated Rules to be kept, observed, and followed by the Inhabitants of the said several Counties, for and during the Space of *Twelve Months* thereafter.

And be it further enacted, That the said Justices, shall in like manner

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ner at their annual Sessions thereafter to be held in *March*, proceed and give in Charge to the several Grand Juries in manner aforesaid, and settle and approve of such Rules and Regulations for the Purposes aforesaid, to serve for the Year then next ensuing, as to them shall appear most proper and convenient.

And be it also enacted, That the said several Justices in their Quarter Sessions as aforesaid, shall be and are hereby impowered, to settle and appoint such Pains and Penalties to be inflicted upon the Person or Persons, who shall neglect or refuse to obey the Rules and Regulations so to be settled at the said Annual Sessions of the Peace, as to them shall appear to be just and equitable.

Provided, That such pecuniary Penalties to be inflicted, shall not exceed the Sum of *Five Pounds*; and that the Prosecution for any Offence against this Act, be commenced and prosecuted within the Space of *Three Months* after the Offence committed.

An Act to prevent the spreading of contagious Distempers.

Be it Enacted by the Honourable the Commander in Chief, the Council, and Assembly, That every Vessel coming into the Port of *Halifax*, having any Person on board infected with any Plague, Small-Pox, Malignant Fever, or other contagious Distemper, shall Anchor at least *Two Miles* below the Town of *Halifax*, towards the Sea, and on her Anchoring shall hoist an Ensign with the Union downwards at the Maintop-Mast-Head; and the Master thereof, shall not permit any of the Mariners or Passengers belonging to or coming in such Vessel, to Land: And the said Master shall be obliged, within *Twenty four Hours* after his Arrival, to give Notice thereof to the Governor, Lieutenant-Governor, or Commander in Chief for the Time being, of the State, Condition, and Number of the Sick Persons on board his Vessel, and shall conform himself to such Orders and Directions as he shall receive from the Governor, Lieutenant-Governor, or Commander in Chief, both for the performing Quarentine, for

Cap. 6.

for the Airing and Cleansing the Passengers, Vessel, and Goods on board, and for removing the infected and Sick Persons out of the said Vessel.

And be it further enacted, That before any such sick or infected Persons be put on Shore, the Master of such Ship or Vessel, shall give Security for the payment of the Charge of removing them on Shore, and also for the necessary Refreshments, Medicines, and Attendance, which shall be ordered and directed by the Governor, Lieutenant-Governor, or Commander in Chief.

And be it further enacted, That any Master or Masters of any Vessel or Vessels, who shall not conform themselves to the Rules and Directions prescribed by this Act, shall be liable to pay a Fine not exceeding *One Hundred Pounds*, on due Conviction thereof, to be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record.

And be it further enacted, That for the preventing any infectious Distempers from being brought into, and spreading in any of the other Towns within this Province, any one or more Justices of the Peace residing within or nearest to any such Town within this Province, where any Vessel infected with the Small Pox or Infectious Distemper, shall arrive, shall forthwith take care to prevent and restrain all Persons belonging to or transported in such Ship or Vessel, from coming on Shore; or if any be before on Shore, to send them on board again; as also to restrain Persons from going on board such Ship or Vessel, and to that end may make out a Warrant directed to the Constable of any such Town, who are accordingly empowered and required to execute the same; and such Justice or Justices are forthwith to transmit the Intelligence thereof, to the Governor, Lieutenant-Governor, or Commander in Chief, for their Direction and Order thereon.



An

**An Act for the Amendment of an Act intituled,
An Act concerning Marriages and Divorce,
and for punishing Incest and Adultery, and de-
claring Polygamy to be Felony,**

WHEREAS by a Clause in an Act made and passed in the
Thirty second Year of His late Majesty's Reign, intituled
*An Act concerning Marriages and Divorce, and for punishing
Incest and Adultery, and declaring Polygamy to be Felony,*
it is Enacted, " That no Marriage shall be declared null and void, ex-
cept for the Cause of Impotency, or of Kindred within the Degrees
prohibited in an Act made in the Thirty second Year of King Henry
the Eighth intituled, An Act concerning Precontracts, and touching
Degrees of Consanguinity; and that no Decree for Divorce shall be
granted for any other than the two foregoing and the two following
Causes, viz. That of Adultery, and that of wilful Desertion and
withholding necessary Maintenance for three Years together; in any of
which Cases every Person suing for a Divorce, shall be intituled to a
Decree for that purpose, to be obtained from the Governor, or
Commander in Chief for the Time being, and His Majesty's Council
who shall have full Power and Authority to grant the same." Which
Clause has been found to be inconsistent with the Laws of England.

*Be it therefore Enacted by the Honourable the Commander in Chief,
the Council, and Assembly, That the Causes for which Marriages shall be
declared null and void, shall be in all Causes of Impotency, of Precon-
tract and Kindred within the Degrees prohibited in an Act made in the
Thirty second Year of King HENRY the Eighth, intituled, An Act concerning
Precontracts, and touching Degrees of Consanguinity, of Adultery, and
of Cruelty, and for none other Causes whatsoever.*

Provided that nothing herein contained, shall be of any Force or
Effect untill His Majesty's pleasure shall be further known herein.

Cap. 7.

Confirmed
His Majesty
in Council.

2u.

An Act to enable Creditors to receive their just Debts, out of the Effects of their absent or absconding Debtors.

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*Confirmed by
 the King in
 Council.*

E it enacted by the Honourable the Commander in Chief, the Council, and Assembly That it shall and may be lawful for any Person intituled to any Action for any Debts, Does or Demands whatsoever, against any Person absconding or absent out of this Province, to cause the Goods and Estate of such absconding or absent Person to be attached, in whose Hands or Possession soever the same are, or may be found: And the attaching of any Part thereof shall secure and make the Whole, that is in such Person's Hands, liable in the Law to respond the Judgment to be recovered upon such Process, if so much there be, and no further, and shall be subjected to be taken in Execution for Satisfaction thereof, or so far as the Value thereof will extend, and the Person in whose Hands they are shall expose them accordingly.

And be it further enacted, That where no Goods or Effects of such absent or absconding Person in the Hands of his Attorney, Factor, Agent, or Trustee, shall be exposed to view, or can be come at so as to be attached, it shall and may be lawful to and for any Person intituled to any such Action as aforesaid, to file a Declaration against such absent or absconding Person, in the Clerk's Office of the *Inferior Court of Common Pleas* in the same County where such Factor, Agent, or Trustee lives, therein particularly setting forth his Debt and Damage, how and for what Cause it arises; and to cause the Attorney, Factor, Agent or Trustee, of such absent or absconding Person, to be served with a *Summons* out of the Office, annexed to the said Declaration, *Fourteen Days* before the Sitting of the Court, for his Appearance at such Court; which being duly served, and Return thereof made under the Officer's Hand, shall be sufficient in the Law to bring forward a Trial, without other or further Summons, unless the Principal be an Inhabitant, or hath for sometime had his Residence within this Province, in which Case a like Summons with an attested Copy of the Declaration annexed, shall also be left at his dwelling House, Lodging or Place of his last and usual Abode, *Fourteen Days* before the Sitting of the Court; and such Attorney, Factor, Agent, or Trustee, upon his Desire

fire, shall be admitted to defend the Suit on behalf of his Principal throughout the Course of the Law, and an Imparance shall be granted of Course at *two Terms* successively, that he may have an Opportunity to notify his Principal thereof; and at the *third Term* without special Matter alledged and allowed, in Bar, Abatement, or further Continuance, the Cause shall peremptorily come to Trial; and if Judgment be rendered for the Plaintiff, all the Goods, Effects, or Credits of such absent or absconding Person, in the Hands of such Attorney, Factor, Agent or Trustee, which were in his Hands at the Time of his being served with the Summons and Declaration aforesaid, to the Value of such Judgment, (if so much there be) shall be liable and subjected to the Execution granted upon such Judgment, for or towards satisfying the same; and from the Time of serving the Summons as aforesaid, shall be liable and secured in the Law, in his Hands to answer the same, and may not be otherwise disposed of or converted.

Provided nevertheless, and be it enacted, That if upon Summons being served as aforesaid, the supposed Attorney, Factor, Agent, or Trustee, shall come into Court at the *first Term*, and declare, that he had not in his Hands, at the Time of the Service of such Summons, any Goods, Effects, or Credits, whatsoever of the absent or absconding Person, and shall submit to an Examination upon Oath respecting the same; and if, upon such Examination, it shall appear to the Satisfaction of the Justices of the Court, that he had not any Goods, Effects, or Credits whatsoever, of the absent or absconding Person, in his hands at the Time of his being summoned as aforesaid, then in every such Case, the Plaintiff shall become Nonsuit, and shall pay to him who was summoned as Attorney, Factor, Agent, or Trustee, his reasonable Costs, to be taxed in common Form by the Justices of the Court.

And be it further enacted, That if any Attorney, Factor, Agent, or Trustee, being served with Summons and Declaration as aforesaid, shall not appear at the *first Term*, and then either acknowledge himself to have had in his Hands some Goods, Effects, or Credits of the absent or absconding Person at the Time of the Service aforesaid; and thereupon Pray that he may be admitted to defend the Action, or otherwise submit himself to an Examination upon Oath as aforesaid, he shall be liable to pay to the Plaintiff all such Costs as shall arise upon his Suit, to be taxed by the Justices of the Court before which the Action shall be brought.

And be it further enacted, That in Case any Attorney, Factor, Agent, or Trustee, from and after the Time of his being served with Summons and Declaration as aforesaid against his Principal, (being an absent or absconding Person) shall transfer, remit, dispose of, or convert any of the Goods, Effects, or Credits of such absent or absconding Person, in his Hands at the Time of such Service, so that there shall not be sufficient to Satisfy the Judgment, (the Debt being afterwards ascertained

tained by Judgment of Court) or that shall not discover, expose, and subject the Goods, Effects, or Credits, of such absent or absconding Person in his Hands, to be taken in Execution for or towards the Satisfaction of the Judgment, so far as what were in his Hands at the Time of said Service, will extend, shall be liable to Satisfy the same of his own proper Goods and Estate, and as of his own Debt; and a Writ of *Scire-facias* may be taken out of the same Court and served upon him as the Law directs, to appear and shew Cause (if any he have) to the contrary, where upon default of Appearance, or Refusal to disclose upon his Oath, (which Oath the Justices of such Court are impowered to administer) what Goods, Effects or Credits of the absent or absconding Person, are in his Hands, and to what Value; then Judgment shall be entered up against him of his own proper Goods and Estate, and Execution be awarded accordingly.

Provided nevertheless, and be it enacted, That if it shall appear that the Attorney, Factor, Agent, or Trustee, to summoned as aforesaid, and having in his Hands at the Time of such Summons, any Goods, Effects, or Credits of the absent or absconding Person, hath not any ways remitted, disposed of, or any ways converted the same after the Summons being served on him as aforesaid; but that he hath discovered, exposed, and subjected them to be taken in Execution, to satisfy the Judgment recovered against the absent or absconding Person as aforesaid; then the Party who commenced the Suit shall pay such Attorney, Factor, Agent, or Trustee, his reasonable Costs to be taxed in common Form by the Justices of the Court from which the *Scire-facias* issued as aforesaid.

And be it further enacted, That the Goods, Effects, or Credits, of any absent or absconding Person, so taken as aforesaid by Process and Judgment of Law, out of the Hands of his Attorney, Factor, Agent, or Trustee, by any of his Creditors, shall fully acquit and forever discharge such Attorney, Factor, Agent, or Trustee, his Executors or Administrators, of, from, and against all Actions and Suits, Damages, Payments, and Demands whatsoever, to be asked, commenced, had, claimed, or brought by his Principal, his Executors or Administrators, of and for the same; and if any Attorney, Factor, Agent, or Trustee, shall be molested, troubled, or sued by his Principal for any thing by him done in pursuance of this Act, he may plead the General Issue, and give this Act in Evidence.

Provided nevertheless, and be it further enacted, That any absent or absconding Person, against whom Judgment shall be recovered as aforesaid, shall be intitled to a Rehearing of such Cause at any Time within *Three Years* after such Judgment; and the Plaintiff in such Action, before any Execution shall Issue on such Judgment, shall give sufficient Security to the Satisfaction of the Court, for the repayment of all such Monies as may be levied by Virtue of such Execution, in case the

the said Judgment should be reversed on such Rehearing at aforesaid.

Provided always, That so much of this Act only as relates to the commencing of the Action, and attaching the Goods, shall be of force, till His Majesty's further Pleasure be known therein.

*Confirmed
His Majesty*



An Act in Amendment of, Addition to, and for further prolonging an Act, intituled *An Act for granting and establishing an Allowance to the Collector or Collectors of the Impost and Excise Duties.*

HERE AS the Act intituled, An Act for granting and establishing an Allowance to the Collector or Collectors of the Impost and Excise Duties, is now near expiring, and that it is apprehended the Revenues will be considerably increased, and the Trouble of the Collector or Collectors will be lessened by the present Acts, Be it therefore enacted by the Honourable the Commander in Chief, Council, and Assembly, That out of the Money arising from the Duties of Imposts and Excise, from and after the Twentieth Day of December 1761, His Excellency the Governor, Lieutenant Governor, or Commander in Chief of the Province for the Time being, shall be and is hereby empowered to grant and allow unto any Collector or Receiver, or Collectors or Receivers of such Duties of Impost and Excise, who may be from Time to Time appointed by such Governor, Lieutenant Governor, or Commander in Chief, for the Port of Halifax, for all the Expences, Charges, and Trouble of such Collector or Collectors, and of any Officers to be by such Collector or Collectors appointed, for assisting such Collector or Collectors, any Sum not exceeding Five Pounds for each Hundred Pounds, that may be collected of such Impost and Excise Duties; and that the said Grant and Allowance of Five Pounds in the Hundred, shall be in full of all Claims, Expences, Charges, and Demands whatsoever, for or on account of Collecting such Impost and Excise Duties as aforesaid.

*Cap. 9
Exp.*

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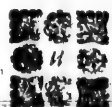
Be it also enacted, That it shall and may be lawful for His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to appoint Collectors of the Duties of Impost and Excise, at the other Harbours or Ports in this Province, where necessary; which Collectors to be appointed, shall pay into the Hands of the Treasurer of the Province, once in every *Three Months*, all such Monies as he shall have received on Account of the Duties aforesaid, after deducting the Sum of *Seven Pounds Ten Shillings* from every *Hundred Pounds* so collected by him or them, and so in Proportion for any greater or lesser Sum.

Provided, That before such Collector or Collectors of Impost and Excise, shall enter upon their respective Offices, they shall give sufficient Security, and take the like Oaths as are directed for the Collectors of Excise, by an Act intituled, *An Act for granting unto His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors sold by Retail*.

And be it further enacted, That this Act shall continue and be in Force for the Term and Space of *One Year*, from and after the said *Twentieth Day of December, 1761*, or until the kind of the Session of the *General Assembly* then next following.



An Act for altering and amending several Acts of this Province, relating to the Duties on Wines, Beer, Rum, or other distilled Spirituous Liquors, and for granting a Bounty, and allowing a *Drawback* on the same.



HERE AS the several Acts for laying Duties of Impost and Excise on Wines, Beer, Rum, and other distilled Spirituous Liquors, have been found ineffectual and insufficient to answer the Purpose thereby intended, We do hereby grant unto His Most Excellent Majesty, His Heirs, and Successors, for the Uses hereinafter mentioned, the several Rates, Duties, and Imposts following.

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Be it therefore enacted, by the Honourable the Commander in Chief, Council, and Assembly, That from and after the Fourteenth Day of August, 1761, there shall be paid by the Importers of all Wines, Beer, Rum, and other distilled Spirituous Liquors, that shall be imported into this Province from the Place of it's Growth, or any other Place (except the Product or Manufacture of Great-Britain, or legally and directly imported from thence) the several Rates and Duties as follows.

	£.	s.	d.
For every Pipe of Wine of the Western Islands, - - -	1.	0.	0.
For every Pipe of Canary, - - - - -	1.	10.	0.
For every Pipe of Madeira, - - - - -	2.	0.	0.
For every Hogshead of other Sorts of Wine not mentioned, -	0.	15.	0.
For every Barrel of Beer, - - - - -	0.	2.	6.
For every Gallon of Rum or other distilled Spirituous Liquors, - - }	0.	1.	3.

And be it enacted, That all the Rates, Duties, and Imposts before-mentioned, shall be paid in current Money of this Province, by the Importer of any Wines, Beer, Rum, or other distilled Spirituous Liquors, unto the Collector or Receiver, or Collectors or Receivers for the Time being, for entering and receiving the same, at or before the Landing. Provided the Sum do not exceed Five Pounds, but if the Sum shall exceed Five Pounds, the Collector or Receiver, or Collectors or Receivers, is and are hereby authorized, on sufficient Security being given, to give Credit for Payment thereof, within the Term of Three Months.

And be it further enacted, That all Masters of Ships, coasting and fishing Vessels, and all other Vessels whatsoever, coming into any Harbour or Port within this Province, shall before breaking Bulk, and within Twenty-four Hours after his or their Arrival, make Report in Writing and upon Oath, to the Collector or Receiver, or Collectors or Receivers of the Duties for the Time being, of their Cargoes, particularly of the Quantity of Wines, Beer, Rum, and other distilled Spirituous Liquors on board the said Ship or Vessel, specifying the Kinds of Casks in which the same is contained, together with the Marks and Numbers thereof, and that he has not landed, sold, delivered, bartered, or exchanged any Wines, Beer, Rum, or other distilled Spirituous Liquors, at any Port or Place within this Province, or on the Coast thereof, since his Sailing from the Port or Place where the same were laden on board the said Ship or Vessel for Exportation, (which Oath the Collector or Receiver, or Collectors or Receivers aforesaid, is and are hereby impowered to Administer.)

And be it also further enacted, That if any Wines, Beer, Rum, or other distilled Spirituous Liquors, shall be landed or proved to have been landed

Landed from on board such Ship or Vessel after such Report made as aforesaid, other than such as shall have been contained and specified in the said Report or Manifest by this Act directed to be made, then and in such Case all such Wines, Beer, Rum, or other distilled Spirituous Liquors, or the Value thereof, (to be estimated at the then highest Price such Commodity shall bear at that Time) shall be and are hereby declared to be forfeited, and shall and may be seized by the Collector or Receiver, or Collectors or Receivers, of the Duties for the Time being; and if any such Wines, Beer, Rum, or other distilled Spirituous Liquors, shall be concealed whereby Seizure cannot be made of the same, the Master of such Vessel, the Owners or Receivers, shall pay the Value thereof, agreeable to such Estimation.

And be it enacted, That if any Wines, Beer, Rum, or other distilled Spirituous Liquors, shall be proved to have been landed, sold, delivered, bartered, or exchanged, contrary to the Intent and Meaning of this Act; or if any Master of any Ship or Vessel, shall refuse or neglect to yield strict Obedience to the Directions prescribed by this Act; in either of such Cases, he shall, on Conviction thereof by the Oath of *One* credible Witness, forfeit and pay the Sum of *Two Hundred Pounds* Currency of this Province.

And be it further enacted, That if any Person whatsoever, shall knowingly be aiding or assisting in the Clandestine landing, or concealing, any Wine, Beer, Rum, or other distilled Spirituous Liquors, in order to avoid Payment of the Duties to which the same are liable by Law, he shall, upon Conviction thereof upon the Oath of *One* credible Witness, pay the Sum of *Fifty Pounds*, or suffer *six Months* Imprisonment without Bail or Mainprize.

And be it also further enacted, That all Persons importing or having any Wines, Beer, Rum, or other distilled Spirituous Liquors, consigned to them, that by this Act are liable to pay Duty, shall by themselves or Order, make Report thereof in Writing under their Hands and upon Oath, of the Quantity of all such Liquors as aforesaid, specifying the Kinds of Casks in which the same is contained, with the Marks and Numbers thereof; which Oath the said Collector or Receiver, or Collectors or Receivers for the Time being, or either of them are hereby impowered to administer; and they shall pay or secure to be paid, the Duty by this Act required, as is herein before directed; and all wines, Beer, Rum, or distilled Spirituous Liquors, which shall be landed contrary to this Act, shall be forfeited.

And be it further enacted, That no Wines, Beer, Rum, or other distilled Spirituous Liquors, that by this Act are liable to pay Duty, shall be landed on any Wharf or put into any Warehouse or other Place, but in the Daytime only, and that after Sun-rise and before Sun-set, unless

unless in the Presence of and with the Consent of the Collector or Receiver, or Collectors or Receivers for the Time being, on Pain of forfeiting all such Liquors as aforesaid, and the Lighter, Boat, or Vessel, out of which the same shall be landed or put into any Ware-House or other Place.

And be it also further enacted, That every Merchant or other Person importing any Wines or Beer into this Province, shall be allowed *Ten per Cent* for Leakage, *Provided* such Wines or Beer have not been filled up on board; and no Master, of any Ship or Vessel shall suffer any Wines or Beer to be filled up on board, without giving a Certificate thereof, to the Collector or Receiver or Collectors or Receivers aforesaid, on pain of forfeiting *Ten Pounds*; and if it be made appear that any Wines or Beer imported in any Ship or Vessel be decayed at the time of Landing thereof, or in *Twenty Days* afterwards, Oath being made before the said Collector or Receiver or Collectors or Receivers, that the same have not been Landed above that Time, the Duty paid for such Wine or Beer shall be repaid unto the Importer thereof; and that *Three per Cent* shall be allowed for Leakage, upon all Rum or other Spirituous Liquors imported, after Gauging the same.

And be it further enacted, That the Master of any Ship or Vessel, importing any Wines, Beer, Rum, or other distilled Spirituous Liquors as aforesaid, shall be liable to pay the Duty for so much thereof as is contained in his Report, not duly entered, nor the Duty paid for, by the Person or Persons to whom such Wines or other Liquors are or shall be consigned; and it shall and may be lawful to and for the Master of any Ship or Vessel to detain in his Hands, or deliver to the Collector or Receiver or Collectors or Receivers aforesaid, for the Security of such Duty, all such Wines or other Liquors as are not Entered, which, said Collector or Receiver or Collectors or Receivers, or either of them, are hereby impowered and directed to receive, and keep the same at the Owners risque, until the Duty thereof, with the Charges, be paid.

And be it also further enacted, That the Collector or Receiver or Collectors or Receivers of the Duties for the Time being shall be and are hereby impowered to make Seizure of any Ship or Vessel, wherein or from which such Wines, Beer, Rum, or other distilled Spirituous Liquors shall be imported, or shall have been sold, delivered, bartered, or exchanged, contrary to the Intent and meaning of this Act, or the Master whereof shall neglect or refuse to yield strict Obedience to the Directions thereof, and to detain the same until Judgment be given in any Process to be commenced and prosecuted as hereinafter directed, for any of the aforesaid Forfeitures or Penalties, to the Intent that if Judgment be rendered for the Prosecutor or Informer, such Ship or Vessel, with her Tackle, Apparel, and Furniture, or any part thereof, may be exposed to Sale by Order of the Court, for Satisfaction thereof.

And

And be it enacted, That it shall be in the Power of the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to appoint two proper Persons as Surveyors or Landwaiters for the Port of *Halifax*; before one of whom and in whose presence, or in presence of the Collector or Receiver or Collectors or Receivers aforesaid, or either of them, all Wines, Beer, Rum, or other distilled Spirituous Liquors shall be Landed at the said Port; and all such Rum or other Spirituous Liquors shall be gauged; and the same shall be to landed, and the Rum or other Spirituous Liquors so gauged, within such Hours as are herein before prescribed; and all Wines, Beer, Rum, or other distilled Spirituous Liquors, which shall be landed contrary to the Intent and Meaning of this Act, shall be forfeited, and shall and may be seized by such Collector or Receiver or Collectors or Receivers, or either of them, or the said Surveyors or Landwaiters; which said Surveyors or Landwaiters shall have as a Salary, any Sum not exceeding *Forty Pounds per Annum* each.

And be it further enacted, That the Naval Officer at any of the Ports of this Province, shall not clear or give Passes to the Master of any Ship or Vessel out-ward bound, until he shall be certified by the Collector or Receiver, or Collectors or Receivers of the Duties, or either of them, that the Duties for the Wines, or other Liquors aforesaid, last imported in such Ship or Vessel, are paid or secured to be paid.

And be it further enacted, That from and after the *Fourteenth* day of *August* 1761, *Two Thirds* of the Duty which shall or may have been paid or secured to be paid, on any Wines or Beer, imported into this Province, shall, upon the same being Exported out of said Province, be repaid to the Exporter thereof.

And be it also further enacted, That from and after the said *Fourteenth* day of *August* 1761, the Master or Owner of any Ship or Vessel; which shall be wholly Owned or Freight by any Merchant or Trader, who shall have lived or resided within this Province for the Term of *One Year* then last past, and shall be laden with any kind of Merchandize, *Two Thirds* of the Value of which at least, shall be the Produce or Manufacture thereof, and shall Export the same to any of His Majesty's *Plantations* in the *West-Indies*, and shall Import from thence directly into this Province, any Rum, the Produce of His Majesty's *Plantations* or *Islands* aforesaid, shall be intitled to receive as usual of the Province, as a Bounty, the Sum of *Three Pence per Gallon* for each and every Gallon so imported in manner aforesaid, upon producing a Certificate under the Hand of the Collector or Receiver, or Collectors or Receivers of the Duties aforesaid, that such Rum has paid the Duty of *One Shilling* and *Three Pence per Gallon* imposed by this Act.

And to prevent any Frauds which may be committed by Owners or Masters of Vessels in purchasing Fish and Lumber the Produce of other Provinces, and shipping the same as the Produce of this Province.

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Be it enacted, That every Owner or Master of any Ship or Vessel, who shall Ship any Merchandize the Produce of this Province, and who intends to receive the Benefit of this Act, shall deliver a Manifest of his Cargoe, on Oath, to the Collector or Receiver or Collectors or Receivers of the Duties, or either of them, before he Sails; whereby it shall appear that at least *Two Thirds* in Value of the said Cargoe is the Produce or Manufacture of this Province, as Certified and Sworn to by the Person or Persons from whom the same is purchased.

And be it further enacted, That from and after the said *Fourteenth* day of *August* 1761, there shall be allowed on all Rum or other distilled Spirituous Liquors, which shall have been imported into this Province, on the same being Exported out of the said Province, a Drawback of the whole Duty paid or secured to be paid, on said Rum or other distilled Spirituous Liquors, Except *One Penny per Gallon*; unless when there shall have been paid a Bounty as directed by this Act, in which case said Bounty shall be deducted from the Drawback to be paid.

And be it also further enacted, That the Drawbacks herein before Expressed to be paid on Wines, Beer, Rum, or other distilled Spirituous Liquors, exported out of this Province, shall, upon the same being to exported out of this Province within *Six Months* from the said Importation, be paid to the Exporter thereof as usual out of the Money arising from the Duties on the Liquors aforesaid, upon the said Exporters producing a Certificate within *Six Months* after the Time of the Exportation, from the principal Officer of His Majesty's Customs, or other proper Officer for the Time being of the Port to which the same shall be carried, of its being there duly Landed; together with a Certificate from the Collector or Receiver or Collectors or Receivers of the said Duty or either of them, that the Duty thereon has been duly paid or secured to be paid before such Exportation, agreeable to the Rates prescribed by this Act; and the Collector or Receiver or Collectors or Receivers aforesaid, or either of them, may take such Certificates in payment of any Duties, to be paid by the Importers of any of the Liquors aforesaid.

And for the better preventing Frauds herein, the following Oath shall be taken for the future, by every such Exporter of any Wines, Beer, Rum, or other distilled Spirituous Liquors, which Oath the Collector or Receiver or Collectors or Receivers aforesaid or either of them, are hereby authorized to administer.

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for the same have been paid or secured to be paid as by this Law is required, and that the same is not intended to be fraudulently relanded into any Port or Place in this Province.

And be it enacted, That if any Wines, Beer, Rum, or other distilled Spirituous Liquors, shall be fraudulently relanded into any Port or Place of this Province, after Shipt for Exportation, the same shall be forfeited, together with the Vessel out of which the said Rum or other Liquors as aforesaid, shall have been so fraudulently relanded.

And be it also further enacted, That from and after the said Fourteenth day of August 1761, all Rum or other Spirituous Liquors, which shall have been imported into this Province, and shall have paid or secured to be paid the Duty imposed by this Act, and which shall be issued for the use of His Majesty's Navy, be deemed so far an Exportation thereof as to be intituled to a Drawback of One Shilling per Gallon, to be paid as usual out of the Funds arising from the aforesaid Duty, upon the Person or Persons (issuing such Rum, or other Spirituous Liquors for the use of His Majesty's Navy) making Oath to the delivery thereof, and producing a Certificate from the Collector or Receiver or Collectors or Receivers as aforesaid, that the Duty thereon has been paid or secured to be paid; and also producing a Certificate from the Commander and other Signing Officers of such his Majesty's Ship or Ships, or the Naval Storekeeper, of the Quantity and kind of such Spirituous Liquors; and that the same was actually received for His Majesty's use and no other.

And be it further enacted, That all Rum or other distilled Spirituous Liquors, which shall be supplied by the Commissary for Indian Affairs, to the several Truckhouses within the Province for the Indian Trade, shall be intituled to a Drawback of One Shilling and Two-Pence per Gallon, to be Certified by the Oath of the Truckmaster at each Post, that the same was delivered for the use of the Indians and no other, which Oath the Commanding Officer of the said Post, in case there shall be no Justice of the Peace resident there, is hereby impowered to administer, to be paid as usual out of the Funds arising from the aforesaid Duties, upon the Commissary's producing such Certificate as aforesaid.

And be it enacted, That the Collector or Receiver or Collectors or Receivers for the Time being, shall render a just Account and pay into the Haps of the Treasurer of the Province, all such Monies by him or them received in pursuance of this Act, within Thirty Days after the end of each Quarter.

And be it also further enacted, That all the Penalties and Forfeitures accruing or arising by this Act, shall and may be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record in this Province; and the Money arising from such Penalties and Forfeitures,
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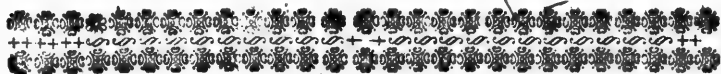
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after deducting the Expences of Prosecution and all incident Charges, shall be One *Half* to His Majesty for the Uses and Intents for which the Duties are granted, and the other *Half* to him or them who shall seize, inform, and sue for the same, and that all Prosecutions in pursuance of this Act, shall be commenced within the Space of *Twelve Months*, from the Time of the Offence committed.

And be it enacted, That the Monies arising from the Duties imposed by this Act, shall be and are hereby appropriated for the payment of Bounties and Premiums, and other uses as already specified and directed by the Laws of this Province, or that shall hereafter be directed by the General Assembly thereof.

And be it also further enacted, That this Act shall continue and remain in full force, from and after the *Fourteenth Day of August 1761*, until the *Fifteenth Day of January 1764*, and from thence for and during the Term and Space of *Seven Years*, and until the End of the Session of the General Assembly then next following.



An Act for altering and amending an Act intituled,
An Act for laying a Duty of Excise of Three Pence per Gallon on all Rum, and other Spirituous Liquors distilled within this Province, and for granting a Bounty on the Exportation thereof.

HEREAS the Act made and passed in the 33d Year of His late Majesty's Reign, intituled, An Act for laying a Duty of Excise of Three Pence per Gallon on all Rum, and other Spirituous Liquors distilled within this Province, and for granting a Bounty on the Exportation thereof, has been found ineffectual for the purposes thereby intended, We do therefore hereby Grant unto His most Excellent Majesty, His Heirs, and Successors, for the uses intended by the said Act, the Duty hereinafter mentioned.

*Cap. 11.
Revised
F. J.*

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Be it therefore enacted, by the Honourable the Commander in Chief, Council and Assembly, That from and after the Fourteenth day of August 1761, there shall be paid One Shilling per Gallon, on all Rum and other Spirituous Liquors, distilled within this Province, (the same being sold, bartered, or exchanged) by the Distiller thereof, to the Collector or Receiver, or Collectors or Receivers, of the Duties for the Time being, or either of them; and all and every Distiller or Distillers of Spirituous Liquors are hereby required once in every Month, to render to the Collector or Receiver, or to the Collectors or Receivers aforesaid, a just and true Account in writing upon Oath, which Oath shall be in the Words following, viz.

Y O U A. B. do Swear that the Account now delivered in by you, contains a just and true Account of all the Rum, and other Spirituous Liquors, distilled and Sold, bartered or exchanged, by you, or any Person or Persons under you, or acting for you, or by your Orders, between the Day of and the

(Which Oath the said Collector or Receiver, or the Collectors or Receivers aforesaid, and each of them are hereby Authorized to Administer) and shall give sufficient Security to pay the Duty thereof to the said Collector or Receiver or the Collectors or Receivers, within Three Months, after the date of such Account,

And be it further enacted, That for the better ascertaining the Stock or Quantity of Liquors, to be hereafter distilled in this Province, it shall be lawful for the sworn Gaugers to Gauge all Rum, and other Spirituous Liquors which shall be distilled within this Province, as soon as the same is made up, whereof Four Hours previous Notice shall be given by the Distiller to one or other of the said Gaugers, and upon such Notice the Gauger so Noticed, shall immediately or within Four Hours thereafter repair to the Still-House, and Gauge the Quantity of Rum or other distilled Spirituous Liquors so made up, which Gauge he is to enter in a Stock Book to be kept at the said Still-House, and sign his Name to each Entry; a Copy whereof he is to deliver Monthly to the Collector or Receiver or Collectors or Receivers of the Duties aforesaid: And no Rum or other Spirituous Liquors distilled within the Province, shall be Sold, bartered, or exchanged, after the Appointment of the said Gaugers, until the same shall have been first so gauged.

And be it further enacted, That the Collector or Receiver or Collectors or Receivers of the said Duties, shall be and are hereby Authorized to make an Allowance to the Distiller, of Three per Cent upon account of the Wastage which may happen by Leakage or otherwise, betwixt the Time of taking the said Stock and the Sale thereof.

And be it further enacted, That any Distiller neglecting or refusing to render a just and true Account in manner as herein before directed, every Month from and after the said Fourteenth Day of August 1761, of
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all such Rum and other Spirituous Liquors by him distilled and Sold, bartered or exchanged, and pay the Duties thereof, as by this Act imposed; or shall neglect or refuse to comply with all and every the Rules and Regulations by this Law prescribed, shall forfeit and pay the Sum of *One Thousand Pounds*.

And be it also further enacted, That from and after the said *Fourteenth Day of August 1761*, a Bounty of *One Shilling per Gallon* shall be paid to the Exporter of all Rum or other Spirituous Liquors which shall have been distilled within the Province, after the said *Fourteenth day of August 1761*, and which shall have paid or secured to be paid, the Duty imposed by this Act, upon the same being so exported out of this Province, to be paid as usual out of the Funds arising from the aforesaid Duty, upon the said Exporter's producing a Certificate within *Six Months* after the Time of the Exportation, from the principal Officer of His Majesty's Customs, or Commanding Officer for the Time being of the Port to which the same shall be carried, of its being there duly landed; together with a Certificate from the Collector or Receiver or Collectors or Receivers of the said Duty, or either of them, that the Duty thereon has been duly paid or secured to be paid before such Exportation, as prescribed by this Act; and the Collector or Receiver or Collectors or Receivers aforesaid, may take such Certificates in payment of any Duties to be paid by the Importer or Distiller of any of the Liquors aforesaid.

And for the better preventing Frauds herein, the following Oath shall be taken for the future, by every such Exporter of any Rum, or other Spirituous Liquors, distilled as aforesaid, (which Oath the Collector or Receiver or Collectors or Receivers as aforesaid, or either of them, are hereby Authorized to Administer,)

YOU A. B. do Swear that the Quantity of by you
shipped for Exportation, on board the Master,
bound for *was really and bona fide purchased of*
and that the same is not intended to be fraudulently relanded
into any Port or Place in this Province.

And be it enacted, That if any Rum, or other distilled Spirituous Liquors, shall be fraudulently relanded into any Port or Place of this Province, after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Rum or other distilled Spirituous Liquors shall have been so fraudulently relanded.

And it is also further enacted, That all Rum or other Spirituous Liquors, which shall be distilled within the Province, after the said *Fourteenth Day of August 1761*, which shall have paid or secured to be paid, the Duty imposed by this Act, and which shall be issued for the use of His Majesty's Navy, be deemed so far an Exportation thereof as to be intitled

led to a Bounty of *One Shilling per Gallon*, out of the Funds arising from the aforesaid Duty, upon the Person or Persons issuing such Rum or other Spirituous Liquors for the use of His Majesty's Navy, making Oath to the delivery thereof, and producing a Certificate from the Collector or Receiver or Collectors or Receivers as aforesaid, that the Duty thereon has been paid or secured to be paid, and also producing a Certificate from the Commander and other signing Officers of such His Majesty's Ship or Ships, or the Naval Store-keeper, of the Quantity and kind of such Spirituous Liquors, and that the same was actually received for His Majesty's use and no other.

And be it enacted, That all Rum, or other distilled Spirituous Liquors which shall be supplied by the Commissary for Indian Affairs, to the several Truck-houses within the Province, for the Indian Trade, shall be intitled to a Bounty of *One Shilling per Gallon*, to be Certified by the Oath of the Truckmaster at each Post, that the same was by him delivered for the use of the Indians and no other; which Oath the Commanding Officer of the said Post, in Case there be no Justice of the Peace resident there, is hereby impowered to administer; to be paid out of the Funds arising from the aforesaid Duties, upon the Commissary's producing such Certificate as aforesaid.

And be it further enacted, That the Collector or Receiver or Collectors or Receivers for the Time being, shall render a just Account and pay into the Hands of the Treasurer of the Province, all such Monies by him or them received in pursuance of this Act, within *Thirty Days* after each Month's Receipt.

And be it also further enacted, That the Collector or Receiver or Collectors or Receivers of the Duty aforesaid, shall make good and pay back to the Treasurer of the Province, such his or their Allowance which he or they may have received on the Duty of any Rum or other Spirituous Liquors distilled in this Province, so Exported or issued for the use of His Majesty's Navy, or supplied for the Indian Trade, for which the Bounty shall have been paid agreeable to this Act.

And be it enacted, That all the Penalties and Forfeitures accruing or arising by this Act, shall and may be recovered by Bill, Complaint, or Information in any of His Majesty's Courts of Record in this Province, and the Money arising from such Penalties and Forfeitures, after deducting the Expences of Prosecution, and all incident Charges, shall be one Half to His Majesty, for the uses and intents for which the Duties are granted, and the other Half to him or them who shall seize, Inform, and Sue for the same; and that all Prosecutions in pursuance of this Act, shall be commenced within the Space of *Twelve Months* from the Time of the Offence committed.

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And be it further enacted, That the Monies arising from the Duties imposed by this Act, shall be and are hereby appropriated for the Payment of Bounties and Premiums, and other Uses as already specified and directed by the Laws of this Province, or that may hereafter be directed by the General Assembly thereof.

And it is also enacted, That this Act shall continue and remain in full Force from and after the Fourteenth Day of August 1761, until the Fifteenth Day of January, 1764, and from thence for and during the Term and Space of Seven Years, and until the End of the Session of the General Assembly then next following.



An Act for the Appointment of Sworn Gaugers, ascertaining their Duty, granting them an Allowance, and establishing their Fees.

Be it enacted by the Honourable the Commander in Chief, the Council, and Assembly, That it shall and may be lawful for his Excellency the Governor, Lieutenant-Governor, or Commander in Chief for the Time being, to appoint two Gaugers for the Port of Halifax, who shall be sworn to the faithful Discharge of their Duty, and who are hereby authorized to Gauge all Rum, or other distilled Spirituous Liquors which shall be imported into, or distilled within the same, and shall perform all such Gauging by the Instrument commonly called and known by the Name of Gunter's Calipers, and no other Instrument whatsoever, and who shall have an Allowance not exceeding Twenty-five Pounds per Annum each, to be paid out of the Duties arising on Rum, or other distilled Spirituous Liquors imported into, or distilled within this Province; and it shall and may be lawful for the said Gaugers to demand and receive the following Fees.

For gauging a Puncheon or Pipe	Six Pence.
A Hoghead or Tierce	Four Pence.
A Barrel	Two Pence.
and other Cask in Proportion, and no more, to be paid by the Seller;	
	&c.

Be it further enacted, That for every other Port or Town within this Province, where no *Distilling-House* is erected, and where it may be necessary for a *Gauger* to be appointed, the said *Gauger* shall be intitled to receive the same *Fees*, as is herein before established for the Port of *Halifax*, with a further Allowance of *Six-Pence a Mile* for his Travel.

And be it further enacted, That if any *Gauger* to be appointed as aforesaid, shall neglect to attend upon due Notice given for the Gauging any Rum, or other distilled Spirituous Liquors imported into, or distilled within the Province, shall forfeit and pay for every such neglect the Sum of *Five Pounds* with *Costs*, upon Conviction thereof by the Oath of *One* credible Witness before any *Two* of His Majesty's Justices of the Peace, to be recovered by Warrant of Distress from under the Hand and Seal of said Justices, one Moiety whereof to be paid to the Person who shall Inform and Sue for the same, the other Moiety to the Overseers of the Poor, for the uses of the Poor of the Town where such Offence shall be committed.

Provided always, and it is hereby further enacted, That no *Fees* shall be demanded by the *Gaugers* as aforesaid, for Gauging any Stock of Rum, or other distilled Spirituous Liquors made up at the *Distilling-Houses* within this Province.



An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be Licensed.

Be it enacted by the Honourable the Commander in Chief, Council and Assembly, That if any Person or Persons whatsoever within this Province, shall sell any *Rum, Brandy, Wine, Ale, Beer, Cyder, Perry*, or other strong Liquors mixt or unmixt by whatsoever Name or Names, they are or may be called or distinguished, without Licence first had and obtained for that purpose, as shall hereafter be directed and appointed by the Governor, Lieutenant Governor, or Commander in Chief, or shall Hawk, Sell, or expose to Sale

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Sale any such Liquors unmixt or mixt, by whatever Name or Names they are or may be called or distinguished, about the Streets, Wharves, Highways, Lanes, or Suburbs of the Town of *Halifax*, or any other Town or Place whatsoever within this Province, in any Wheelbarrow or Basket, or upon the Water in any Ship, Boat, or Vessel, or in any other manner whatsoever; or shall sell or expose the same to Sale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, he she or they shall forfeit for every such Offence the Sum of *Ten Pounds* Currency of this Province; and it shall and may be lawful for any *One* Justice of the Peace for this Province, on his own View, or on Confession of the Party, or by Proof on the Oath of *One* credible Witness, to Convict any Person or Persons so offending; and the Person or Persons so convicted shall immediately on such and every other like Conviction, pay the Sum of *Ten Pounds* into the Hands of such Justice, and on such Offender or Offenders neglecting or refusing to pay said Sum, the Justice so Convicting, shall by Warrant under his Hand and Seal commit the Offender or Offenders to His Majesty's Gaol within the County where the said Offence shall be committed, there to remain in close Confinement for the Space of *Two Months*, from the Day of said Commitment, and such Person or Persons shall not be discharged until he, she, or they shall have paid the said Sum of *Ten Pounds*, or until the full Expiration of the said *Two Months*; and all Monies arising from the Conviction of any Person or Persons as aforesaid, in case there be no Informer shall be wholly paid to the Treasurer of this Province and applied in manner as is hereinafter directed, but if there shall be an Informer, one Moiety of such Money shall be paid to the said Informer, and the other Moiety to the said Treasurer forthwith and to be applied as aforesaid.

And be it further enacted, That if any Person or Persons, not having obtained Licence as aforesaid, shall presume to hang out or suffer to remain, any Sign or any Intercription whatsoever, importing that Rum or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, are there sold, otherwise than by Wholesale; upon Proof thereof in manner and form herein before described, such Person shall be subject and liable to the like Penalties and Forfeitures, as Persons convicted of Selling Spirituous Liquors without Licence.

Provided That nothing in this Act contained shall extend or be construed to extend, to prevent or debar any Merchant, Shopkeeper, or other Person, not licenced to Retail Rum or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, from selling any Quantity of such Liquors, not less than five Gallons, delivered at one and the same Time.

And Whereas the opening a Communication through the Province, by the making Highways, Roads, and Bridges, and keeping the same in Repair, are highly necessary for His Majesty's Service; We do therefore grant unto

unto His most Excellent Majesty, His Heirs, and Successors, the several Duties hereafter specified, for the purposes hereinafter mentioned.

Be it therefore enacted, That from and after the Third Day of September 1761, there shall be paid in lieu of the former Duties of Excise, by every Person who shall have Licence to Retail Wine, Beer, Ale, Cyder, or Perry, Rum, or other distilled Spirituous Liquors, within the Peninsula of Halifax, to the Clerk of the Licences, (over and above his Customary Fees for making out Licences, and taking Bonds) the Sum of Ten Pounds per Annum, to be paid Quarterly Three Months in Advance; and that there shall be paid by every Person who shall obtain Licence as aforesaid in every other Town or Place within the Province, Five Pounds per Annum, to be paid Quarterly and in Advance as aforesaid.

And it is also further enacted, That every Person who shall obtain a Licence to Retail Beer, Ale, or Cyder only in the Peninsula of Halifax, shall pay the Sum of Four Pounds per Annum, to be paid to the Clerk of the Licences, Three Months in Advance as aforesaid.

And be it enacted, That before any Person or Persons shall be intitled to a Licence for retailing Wines, Beer, Rum, or other distilled Spirituous Liquors, they shall produce to the Clerk of the Licences at the Secretary's Office, a Certificate from the Quarter Sessions or from any two or more of His Majesty's Justices of the Peace for this Province, of their having taken the Oaths appointed to be taken instead of the Oaths of Supremacy and Allegiance, and that they have made and subscribed the Declaration.

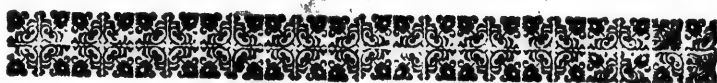
And be it further enacted, That no Person shall presume to sell Liquors by any one Licence, in any Place other than at the House or Place, where he or she shall constantly reside.

And be it also further enacted, That the Money arising from the Duties to be paid by every Retailer of Wines, Beer, Rum, or other distilled Spirituous Liquors on their obtaining a Licence for that Purpose, shall be forthwith paid by the Clerk of the Licences, after deducting Five per Cent for his Trouble, into the Hands of the Treasurer of the Province, which Money is hereby appropriated to and for the making, opening, and repairing the Publick Roads through the Province; and that such making, opening, and repairing, shall be under the Direction of the Governor, Lieutenant Governor, or Commander in Chief of this Province.

And be it further enacted, That all Licences for retailing Liquors of any kind heretofore granted, be and are hereby declared to be null and void, from and after the said Third Day of September 1761, and the Person or Persons who shall neglect to pay due Obedience to this Act, and

and shall continue to Sell without Qualifying themselves, and taking out new Licences as hereinbefore directed, shall forfeit and pay the Sum of Ten Pounds for each Offence, to be appropriated as aforesaid.

And be it also further enacted, That this Act shall continue and remain in full force for and during the Space of One Year from and after the said Third Day of September 1761, and until the End of the first Session of the General Assembly then next following.



An Act in Addition to an Act intitled, *An Act in Addition to an Act intitled, An Act for preventing Trespasses.*

WHEREAS in and by an Act made and pass'd in the 33d Year of His late Majesty's Reign, intitled, An Act in Addition to an Act intitled, An Act for preventing Trespasses, it is among other Things enacted, "That the Justices in their Quarter Sessions in all other Counties, (*Halifax Excepted*) within this Province, shall be impowered and are hereby directed to make Regulations for preventing Trespasses, by Horses, Swine, Sheep, Goats and Neat Cattle, in manner as shall be most agreeable to the Circumstances of such County, or Townships therein." But no Penalty is therein mentioned to be inflicted on such as shall transgress such Regulations made as aforesaid.

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Be it therefore enacted by the Honourable the Commander in Chief, the Council, and Assembly, That any Person transgressing such Regulations so made by the Justices in the Sessions as aforesaid, for the preventing of Trespasses as aforesaid, shall be subject to a Fine not exceeding Forty Shillings; to be recovered, on Complaint or Information, before any Two of His Majesty's Justices of the Peace for the County wherein the Offence shall be committed, or before the Sessions in said County.

An Act for the Relief of the Poor of the Town
of *Halifax*, and Indigent Persons in the new
Settlements.

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HEREAS it has been represented to the General Assembly, that by reason of the great Drought of the present Season, which is likely to shorten the expected Crops, and other Causes and accidents, many poor People of the New Settlements will be in imminent danger of the want of Bread Corn. And Whereas there are sundry Necessaries still wanting for the Workhouse at Halifax, as well as for the support of such poor People in Town as are proper Objects of Charity, altho' not fit to be sent to a Workhouse. And Whereas, the present State of the Province Funds will not admit of affording the necessary Supplies, without injuring such Persons as have large demands for Bounties, Premiums, and Debts contracted by the Government, that hitherto remain unpaid.

Be it therefore enacted by the Honourable the Commander in Chief, Council, and Assembly, That the Governor, Lieutenant Governor, or Commander in Chief of the Province for the Time being, be and is hereby impowered to Borrow a Sum of Money, not exceeding Eight Hundred and Fifty Pounds, of the present Currency, on the Credit of the Province Funds; Seven Hundred Pounds whereof to be applied for purchasing Grain for the Relief of such Poor in the said new Settlements as may be in real want thereof, for their Support during the ensuing Winter; and the remaining One Hundred and Fifty Pounds to be applied for purchasing a Loom and Copper, and for digging a Well and building an Oven at the said Workhouse, and the residue for supporting such of the Necessitous Poor in the Town of *Halifax* and its Suburbs, as are not in a Condition to be sent to the said Workhouse, and to be under the Direction and management of the Overseers of the Poor for the Time being.

And be it further enacted, That any Sum so borrowed, not exceeding the said Sum of Eight Hundred and Fifty Pounds as aforesaid, shall be paid back to the Lender or Lenders thereof at the Expiration of One Year complete from the Date of such Loan, with lawfull Interest to the said Time of payment, and thereafter till paid, by the Treasurer or Keeper of the Province Funds for the Time being, if any Monies shall
then

then remain in his Hands after paying the several Bounties and Premiums, and other Debts already contracted by the Government for Public Buildings or otherwise; and in case no Surplus shall remain in the Treasury, when the borrowed Money aforesaid shall become due, the same shall be paid with Interest as aforesaid, out of the then growing Duties on Wines, Beer, Rum, and other distilled Spirituous Liquors.

And be it further enacted, That no Person in the New Settlements shall be intitled to receive any Share or Part of the aforementioned Bounty of Grain, for the support of themselves or their Families, until Oath shall first have been made before a Magistrate, that he or she cannot possibly subsist themselves or Families without Relief; which Oath shall be certified by the Magistrate before whom the same shall be made, to the Person or Persons who shall be charged by the Governor, Lieutenant Governor, or Commander in Chief, to distribute the said Grain.



An Act for prohibiting the Exportation of *Raw-Hides, Sheep or Calf-Skins*, out of this Province, other than for *Great-Britain*; and to prevent the Cutting, Splitting or Flawing of Hides.

WHEREAS the Exportation of Raw Hides, Sheep and Calf Skins out of this Province, except to *Great-Britain*, has been found to be a great prejudice to the same.

Be it therefore enacted by the Honourable the Commander in Chief, Council, and Assembly, That from and after the Tenth Day of August 1761, no Person or Persons shall load on board any Ship or Vessel for Exportation, any Raw-Hides of any Ox, Bull, Steer or Cow, or any Sheep or Calf-Skin; before the Master of such Ship or Vessel, shall have given Bond to the proper Officer at Halifax, or at any other Port within the Province to such Person as shall be appointed for that purpose, in the Value of One Hundred Pounds Currency, with sufficient Security that the same shall be by the said Ship or Vessel carried to Great-Britain

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tain and to no other Place, and be there Landed and put on Shore (the danger, of the Seas only Excepted) and shall within *Twelve Months*, return a Certificate that the same have been so landed: And if any Person shall presume to Lade on board any Ship or Vessel any *Raw-Hides* or *Skins* as aforesaid, before Bond be given as aforesaid, he shall forfeit the same, and the Master of the Vessel shall forfeit the Value of such *Raw Hides* as shall be found on board such Vessel, and if any Ship or Vessel shall carry out of his Province such *Hides* or *Skins* as aforesaid, before Bond be given as aforesaid, or any Seizure made, every Master of such Ship or Vessel shall forfeit and Pay *double* the Value of the same, and the Shipper *Treble* the Value of the *Hides* or *Skins* so Shipped.

Provided That Information, Suit, or Prosecution on the same be had or made within the Term or Space of *Twelve Months*, next after the Offence committed.

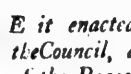
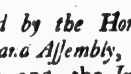
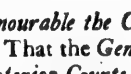
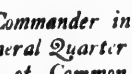
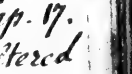
Provided also, That when the Current Price of *Raw-Hides*, such as of Ox, Bull, Steer, or Cow, shall be under *Three-half-pence per Pound*, the same may be Exported to any of His Majesty's Plantations.

And be it also enacted, That if any Butcher or other Person whatsoever shall by himself or any other Person employed by or under him or them, Gash, Cut, Split, or Flaw, the Hide of any Ox, Bull, Steer, Cow, Sheep, or Calf, in Fleaing thereof or otherwise, whereby the same shall be impaired or damaged, and offer the same to Sale, such Butcher or other Person so offending shall forfeit and Pay the Sum of *Twenty Shillings*, for each and every such Offence committed by them, or any other Person employed by or under him or them.

And be it further enacted, That the several Fines and Forfeitures incurred by this Act, shall be Recovered on the Oath of *One* Credible Witnels in manner following, *that is to say*, That for Exporting *Raw-Hides*, Calf or Sheep Skins, contrary to the tenor of this Act, by Bill, Plaint, or Information, in any of His Majesty's Courts of Record in this Province, *One Half* thereof to be paid to the Treasurer of the Province for the use of His Majesty's Government in said Province, the other *half* to him or them that shall Inform and Sue for the same; and the Penalty for Cutting, Splitting, or Flawing *Hides*, to be recovered before any *One* of His Majesty's Justices of the Peace, to be levied by Warrant of Distress and Sale of the Offenders Goods and Chattels, under the Hand and Seal of the Justice before whom the Conviction of the said Offence is made, and for want of Distress to suffer *Twenty Days* Imprisonment, and that *One half* of said Penalty be paid to the Informer or Person suing for the same, and the other *half* to the Poor of the Place where the Offence shall be committed.



An Act for ascertaining the Times and Places for the Holding of the *General Quarter Sessions of the Peace*, and the *Inferior Courts of Common Pleas*, for the Counties of *Lunenburg*, *King's County*, and *Annapolis*.

nominate, and choose two discreet and fit Persons to be *Surveyors of Highways* for each Town in the respective Counties, who shall be sworn to the faithful Discharge of their Office for the Year ensuing, before the said Sessions or before any *One* of the Justices of the Peace within or nearest to the said Town, for which such Surveyors shall be chosen; and any Person being so nominated and chosen, who shall refuse to accept of the said Office, or shall neglect to be Sworn as aforesaid, within *Fourteen Days* next after such Nomination, or having accepted, shall neglect his Duty, shall forfeit for every Refusal or Neglect, *Five Pounds*, to be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record; and the Forfeiture shall be applied for the Repairing of the *Highways*.

And be it further enacted, That every Person within each Township, keeping any *Cart, Team, or Truck*, shall tend on every Day appointed by the said Surveyor of *Highways*, *One Cart or Team, or Truck*, with *Two Oxen or Two Horses*, and *One able Man* to drive the same, for *Four Days* in every Year, to Work on the *Highways, Roads, Streets, or Bridges*, allowing *eight hours* to each *Days Work*; and such Person not attending or neglecting to perform the said Duty, shall forfeit for every Days Neglect, *Ten Shillings*; and that every other *Householder or Labourer*, not being an hired Servant for a Year, shall, on every Day appointed as aforesaid, either by himself or other sufficient Person to be hired by him, provided with such necessary Implements as shall be directed by the said Surveyor, Work for the Space of *Six Days* in every Year, on the said *Highways, Roads, Streets, or Bridges*, within the Township where they respectively dwell; and such Persons not attending or neglecting to perform the said Duty, shall forfeit *Three Shillings* for every Days Neglect; and any *One* of the Justices of the Peace within the County where the Offence is committed, is hereby empowered, on Complaint made to him by the said Surveyor of *Highways*, to summon the Person so neglecting, and upon his Non Appearance, Refusal or Neglect to pay the Forfeiture, shall levy the same by Warrant of Distress; and the Money so levied shall be immediately paid into the Hands of the Surveyor for the Repairs of the *Highways*.

And be it further enacted, That the Constables of the several Townships in this Province, shall make out a List of all such Persons who are Owners of *Teams, Carts, or Trucks*, as also of every other *Householder and Labourer*, within their respective Townships; and shall in Writing (making an equal Division) set out to the Surveyors of *Highways*, the several *Roads, Highways, and Streets*, on which each of them shall respectively Labour; and deliver also a List, signed by them, of such Persons as shall live within the District wherein such *Highways, Roads, or Streets*, are allotted to each of them, to be employed by them respectively, and who accordingly shall be reputed to be the Persons obliged by this Act to Labour.

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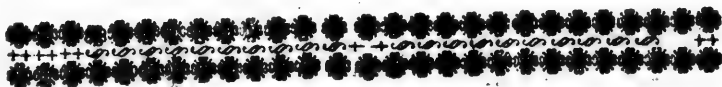
And be it further enacted, That the said Surveyors of Highways shall, and are hereby empowered, in the fittest and most seasonable Time, between the First Day of April, and the First Day of November, yearly, (seed Time and Harvest only Excepted) to summon the Inhabitants contained in their Lists respectively, giving them at least Six Days Notice of the Time and Place where he proposes to employ them; and shall there Oversee and Order the Persons so summoned, to Labour in making, mending, or repairing the Highways, Roads, Streets, and Bridges, in the most useful manner, during the number of Days appointed by this Act for each Person to Labour; and the Surveyor of Highways shall himself be excused from any other Service on the Highways, than the Summoning, Ordering, and Directing thereof.

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And Whereas the Labour of Men may be more useful, than the employ- ing Teams, Carts, or Trucks, in some Towns, Be it therefore enacted, That when any Surveyor of Highways shall Judge the Labour of Men more useful and necessary than that of Carts, Teams, or Trucks, the Persons who by this Act are to find Carts, Teams, or Trucks, shall be obliged, under the like Penalty, to send Two labouring Men instead thereof, furnished with necessary Implements as aforesaid.

And be it further enacted, That the Surveyors of Highways shall, at the Expiration of their Office annually, Account at the General Quarter Sessions of the Peace, for all the Fines received by them for the use of the Highways, and shall pay the Overplus (if any in their Hands) to their Successors in the said Office, for the aforesaid uses, under the like Penalty as for any other Neglect of Office.

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And

An

An Act in Addition to, and Amendment of an
Act intituled, *An Act for preventing Trespasses.*

Cap. 19

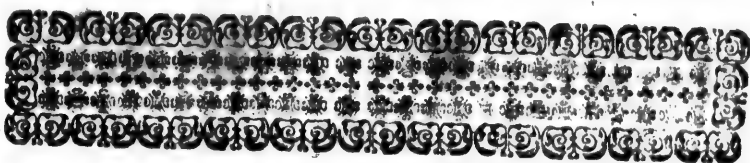
WHEREAS in and by an Act intituled, An Act for preventing Trespasses, it is enacted, " That no Swine shall be permitted to go at large within the Streets, Lanes, or Suburbs of Halifax ;" and the means therein provided to prevent the same has hitherto proved ineffectual : And Whereas Goats going at large has been found pernicious and destructive.

Be it therefore enacted by the Honourable the Commander in Chief, the Council, and Assembly, That it shall and may be lawful for any Person whatsoever, to take and Seize all Swine and Goats going at large within the Streets, Lanes, or Suburbs of Halifax, and upon Proof thereof on the Oath of One Credible Witness, before any One of His Majesty's Justices of the Peace for the said Town and County, the same shall be by him declared forfeited; One Third of the Value of which to be paid to the Prosecutor, and the remainder to and for the use of the Town of Halifax, and shall be accordingly disposed of by them for their use.

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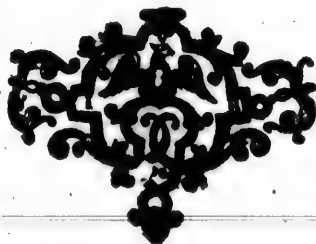
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- 86 An Act for the Relief of the Poor of the Town of *Halifax*, and indigent Persons in the new Settlements.
- 87 An Act for prohibiting the Exportation of *Raw-Hides, Sheep or Calf Skins*, out of this Province, other than for *Great-Britain*, and to prevent the cutting, splitting, or Flawing of *Hides*.
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- 89 An Act for the repairing and mending *Highways, Roads, Bridges, and Streets*, and for appointing *Surveyors of Highways*, within the several Townships in this Province.
- 92 An Act in Addition to, and Amendment of an Act intituled, *An Act for preventing Trespasses.*



Third Assembly
Second Session.

17 March. 1762

Annos 3.^{to} Geo. 3. Reg.

Acts for

2c.

93. - Regulating Retailers of spirituous Liquors.

95. - Amend^d & contin^d Act for suppressing unlicensed houses &c.

Ca. 96. - Borrowing £5400 to pay Debts.

98. - To prevent Fraud in trade with the Indians.

101. - Prohibiting exportation of Warlike Stores.

100. - Preventing the firing of Quibs, Rockets &c.

102. - Appointing Fireworks, & punishing those who set fire with Death excluding Clergy.

104. - Establishing & regulating a Militia.

106. - Regulating Militia in War, & punishing Desertion with Death.

109. - Continuing the Act for Summary Trials.

110. - Regulating Exports of Fish, Hair of Animals, &c. & Appointing Officers to survey the same.

At the GENREAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun and
holden at *Halifax*, on Wednesday
the *First* Day of *July* 1761, in the
First Year of His Majesty's Reign,
and there continued by several Pro-
rogations until Wednesday the 17th
Day of *March*, 1762, in the Se-
cond Year of His Majesty's Reign.

AN ACT

For the Regulating *Innholders*, *Tavernkeepers*, and
Retailers of Spirituous Liquors.

Enacted, by the Lieutenant-Governor, Council and As-
sembly, That from and after the Publication hereof no Re-
tailer, Innholder, Tavern or Alehouse Keeper, who shall
sell upon Trust or Credit, any Wine, Strong Beer, Ale,
Brandy, Rum, or other Spirituous Liquors, mixt or un-
mixt, to any Soldier, Sailor, Servant, or Day Labourer,
or other Person whatsoever, to the Amount of any Sum exceeding the Sum
of

of Five Shillings, shall have any Remedy to recover the same, either at Law or in Equity, against any of the Persons aforesaid, their Executors or Administrators.

And be it further enacted, That in Case any Soldier, Sailor, Servant, Apprentice, bound Servant or Negro Slave, or other Person whatsoever, shall leave any Pawn or Pledge, as a Security for the Payment of any Sum exceeding Five Shillings, contracted in such Manner, such Soldier, Sailor, Servant Apprentice, bound Servant, or Negro Slave, or other Person whatsoever, or the Masters or Mistresses of such Servant, Apprentice, bound Servant, or Negro Slave, may complain to any Justice of the Peace where such Retailer, Innholder, Tavern or Alehouse Keeper, or any other Persons whatsoever, receiving such Pawns or Pledges, usually resides, that such Pawn or Pledge is detained from him or her by such Retailer, Innholder, Tavern or Alehouse Keeper, or any other Person whatsoever, and having made Proof thereof upon Oath, or otherwise to the Satisfaction of said Justice, such Justice of the Peace is required, by Warrant under his Hand and Seal, to compel such Retailer, Innholder, Tavern or Alehouse Keeper, or other Person whatsoever, by Distress and Sale of his Goods, to restore the aforesaid Pawn or Pledge to the Party complaining, or to make him or her Satisfaction for the Loss or Abuse thereof; and shall further be subject to a Fine not exceeding Twenty Shillings, for the Use of the Poor, and Costs of Prosecution.

And Be it further enacted, That no Retailer or Person whatsoever, shall harbour or suffer any Apprentice, bound Servant, or Negro Slave, to sit drinking in his or her House, nor sell or give him or them, nor suffer to be Sold or given him or them, any of the Liquors aforesaid, without special Order or Allowance of their respective Masters or Mistresses, on Pain of forfeiting the Sum of Twenty Shillings for every such Offence, together with the Charges of Prosecution; to be recovered upon Conviction on the Oath of One credible Witness, before any One of His Majesty's Justices of the Peace within the Town or Precinct where the Offence shall be committed, or such other Proof as shall be to the Satisfaction of such Justice; and to be levied by Warrant of Distress and Sale of the Offenders Goods and Chattels, under the Hand and Seal of the said Justice, and for Want of sufficient Distress, such Justice shall and may commit such Offender to His Majesty's Gaol, there to remain for the Space of One Month, or till he shall have paid and satisfied the same. And such Sum to be levied shall, by the said Justice be paid into the Hands of the Overseers of the Poor of the Town or Precinct where the Offence shall be committed, to be by them applied to the Use of the Poor of such Town or Precinct.

Provided always, That nothing herein contained shall extend to debar any Retailer, Innholder, Tavern or Alehouse Keeper, from furnishing any Traveller, or Boarders in his Family, with necessary Refreshments on Credit.

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An Act in Addition to, and Amendment of, and for further prolonging, an Act made and passed in the *First Year* of His Majesty's Reign, intituled *An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.*

*** HEREAS notwithstanding the Penalties inflicted by the Act made *and passed in the First Year of His Majesty's Reign, intituled, An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed, divers idle and ill disposed Persons do continue to keep private Tippling Houses, to the great Encouragement of Vice and Debauchery, and the Diminution of His Majesty's Revenue.*

*Cap. 2
Temp. 2*

Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the Publication of this Act, the Collector or Receiver, or Collectors or Receivers of the Duties of Impost and Excise, or either of them shall be and are hereby impowered and required, to make diligent Enquiry after and prosecute any Person or Persons, who shall presume to retail any Kind of Spirituous Liquors contrary to the Intent and Meaning of the Act made and passed in the First Year of His Majesty's Reign, intituled An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed, or that shall offend in any of the Particulars therein contained.

And whereas amongst other Things in the aforesaid Act, it is enacted, " That all Monies arising from the Conviction of any Person or Persons aforesaid (in Case there be no Informer) shall be wholly paid to the Treasurer of the Province, and applied in the Manner as therein after directed, " but if there shall be an Informer, one Moiety of such Money shall be paid " to the said Informer, and the other Moiety to the said Treasurer forthwith to be applied as aforesaid." It is thought necessary for the better Encouragement of Persons informing against such as may transgress against any of the Clauses in the aforesaid Act.

Be it therefore enacted, That all the Monies arising from the Conviction of any Person or Persons for the Breach of any Part of said Act, shall after deducting the Charges of Prosecution, be paid two Thirds to the

Person

Person or Persons who shall inform and sue for the same, and the remaining *One Third* to be paid to the Treasurer of the Province to be applied to and for the Uses of the Public Roads.

And be it also enacted, That when an Information shall be made against any Person or Persons offending against the aforesaid Act, and any Person or Persons shall be summoned to give Evidence relative thereto, and that such Person or Persons so summoned, shall neglect or refuse to give his or her Attendance at the Time and Place mentioned in the Summons, not having any just or reasonable Cause therefor, to be allowed of by the Justice before whom such Information shall be made, or willfully withdraw himself or herself before sworn, or shall wilfully refuse to be sworn, or shall refuse to give his or her Evidence; in every such Case the Party so offending shall forfeit and pay the Sum of *Five Pounds*, to be levied by Warrant of Distress and Sale, (from the said Justice) on the Offenders Goods and Chattels, and to be applied to the Use of the Poor of the Town where such Offence shall be committed, and to be paid by such Justice to the Overseers of the Poor of the said Town; and for Want of such Distress, such Person or Persons shall be committed to Goal, there to remain for the Space of *One Month*, or untill the said Sum of *Five Pounds* shall be paid.

Provided nevertheless, That no Person shall be obliged to give Evidence on any Information, before such Person be paid or secured their reasonable Charges for Attendance, to be allowed of and order'd by such Justice.

And be it enacted, That the aforesaid Act, with its Addition and Amendments shall continue and be in force for *One Year*, from and after the *Third Day of September, One Thousand Seven Hundred and Sixty Two*, and until the End of the Session of the *General-Assembly* then next following.



An Act to enable the Governor, Lieutenant-Governor, or Commander in Chief, to borrow the Sum of *Four Thousand Five Hundred Pounds* for paying off the Public Debts, and to postpone the Payment of Bounties and Premiums.

Cap. 3.

WHEREAS it appears upon the State of the public Accounts, that a large Debt is due by the Government to sundry Persons, to discharge the

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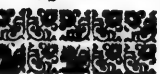
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the Bounties and Premiums for the Year One Thousand Seven Hundred and Sixty One, and Preceding Years, and also to pay off the several Accounts of the Public Works carried on under the Direction of the Commissioners. And that the Impost and Excise Duties have been hitherto insufficient for the immediate Discharge of such Debts, and whereas it is necessary for the Support of the Public Credit, and for the Relief of the public Creditors, that a Sum of Money should be borrowed, and paid into the Treasury to answer these Purposes.

Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the Governor, Lieutenant-Governor, or Commander in Chief of the Province for the Time being, be and is hereby empowered to borrow on Loan a Sum of Money not exceeding Four Thousand Five Hundred Pounds of the present Currency, on the Credit of the Province Funds; and that the said Sum shall be applied to the Payment, and Discharge of the Bounties and Premiums, which were due on or before the Twenty Fifth Day of March, One Thousand Seven Hundred and Sixty Two, and also the Demands of the Persons employed in the public Works under the Direction of the Commissioners aforesaid.

And be it enacted, That any Sum so borrowed for the Purposes aforesaid, not exceeding the said Sum of Four Thousand Five Hundred Pounds, shall be paid back by the Treasurer or Keeper of the Province Funds for the Time being, to the Lender or Lenders thereof, at the Expiration of one Year complete from the Date of such Loan with lawful Interest to the said Time of Payment (or thereafter till paid) and that out of such Monies as shall arise from the Duties on Wines, Beer, Rum, or other distilled Spirituous Liquors which are now due or shall hereafter become due by Law.

Provided, That if the Governor, Lieutenant-Governor, or Commander in Chief, should (by a Scarcity of Money) not be able to borrow the Sum intended by this Act, that then and in such Case, any Person or Persons, who shall present Bounty Bills, or Accounts of Money due from the Government properly authenticated, said Notes or Accounts may be received by the Treasurer of the Province, and a Warrant shall be issued for the like Sum bearing Interest as by this Act directed.

And to enable the Treasurer or Keeper of the Province Funds more effectually to pay off and discharge the said Debt contracted as aforesaid.

Be it further enacted, That for the future the Payment of all the Bounties and Premiums granted by the General-Assembly on Fish, Hay, Oats, Stone Walls, Hemp and Flax, be and are hereby suspended, postponed, and put off for One Year, next after the same shall become respectively due or payable by any former Law of this Province.



An Act for Preventing fraudulent Dealings in the Trade with the Indians.

Cap. 4 **W**HEREAS many Mischiefs may arise by Frauds and other Injuries, in the Trade with the Indians of this Province; and whereas the said Indians are unacquainted with the Laws of this Province, and in what Manner they are to proceed in order to do themselves Right.

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That the Governor, Lieutenant-Governor, or Commander in Chief, upon Complaint of any Indians, within this Province, made to him or either of them, that they have been wronged or cheated of their Furrs or any other Merchandize, or in any other their Trade and Dealing with other his Majesty's Subjects; That the Governor, Lieutenant-Governor, or Commander in Chief is hereby desired, to direct his Majesty's Attorney General to prosecute the same, either before his Majesty's Justices, or in any of his Majesty's Courts of Record in a summary Way, as the Laws do direct, and such Prosecution shall be deemed Legal, and Judgment and Execution shall issue accordingly.

This Act to continue and be in Force untill further Regulations relating to the Trade with the Indians shall be made.

An Act to prohibit for a limited Time the Exportation of Warlike Stores.

p. 5 **W**HEREAS the Exportation of Warlike Stores of whatsoever **W** Dominion from this Province during the present War may be greatly Prejudicial to his Majesty's Subjects and the public Service, **W** Be it enacted by the Lieutenant-Governor, the Council and Assembly, That no Person or Persons whatsoever during the Continuance of the present War shall directly or indirectly export, transport, carry, or convey

vey, or cause or procure to be exported, transported, carried or conveyed, out of or from this Province, or load or lay on board, or cause or procure to be laden or laid on board any Ship or other Vessel, or Boat in order to be exported or carried out of the said Province, any Ammunition or Warlike Stores of whatsoever Denomination, under the Penalty of the Forfeiture of all such Ammunition or warlike Stores or the Value thereof, and also of the Ship or other Vessel or Boat, upon which any warlike Stores shall be exported, shipped or laden to be exported as aforesaid, and all her Guns, Tackel, Apparel and Furniture, One Moiety of all which Forfeitures shall be for the Use of his Majesty, his Heirs, and Successors and the other Moiety to him or them, that shall inform, seize or sue for the same in any of his Majesty's Courts of Record in the said Province, or in the Court of Vice Admiralty, and that the Master and Mariners of any Ship, Boat, or Vessel, wherein any such Offence shall be committed, knowing such Offence and wittingly and willingly aiding and assisting thereunto, and being thereof duly convicted in any of the said Courts, shall be imprisoned for the Space of *Three Months*, without Bail or Mainprize, *Provided always, and be it further enacted*, That this Act or any Thing herein contained shall not extend to prohibit the Exportation of any Ammunition or warlike Stores from this Province to the Kingdoms of *Great-Britain* or *Ireland*, or from the said Province to any other Colony or Plantation in *America* to his Majesty belonging, or from any Port or Place in the said Province to any other Port or Place in the same, so as the Exporter do, before the Shipping or Laying on board the same, declare the Kingdom, Island, Plantation or Colony, and the Port or Place for which such warlike Stores are respectively designed, and do make, subscribe, and deliver a Manifest in Writing and on Oath to the Naval Officer for the Time being (which Oath such Naval Officer is hereby empowered to administer) expressing the Particulars of such warlike Stores, and do likewise become bound with two Sureties of known Residence in this Province, and of sufficient Ability, in the Sum of *Five Hundred Pounds*, if the Ship or Vessel be not above *One Hundred Tons*, and if above *One Hundred Tons*, then in *Fifteen Hundred Pounds*, to the said Naval Officer for the Time being, who is empowered to take such Security in his Majesty's Name, and to His Majesty's Use, that such warlike Stores shall not be landed or sold in any Parts whatsoever other than the Kingdom of *Great-Britain* or *Ireland*, or some other of his Majesty's Colonies or Plantations in *America*, for which the same shall be so declared; and that a Certificate under the Hand and Seal, or Hands and Seals of the Collector or other Chief Officer of his Majesty's Customs, or of the Naval Officer, or of some other principal Officer of the Port or Place, where the same shall be landed, shall within the respective Times hereinafter limited (the Danger of the Seas excepted) be produced to the said Naval Officer to whom such Security shall have been given as aforesaid, that the said Warlike Stores expressing the Particulars thereof have been landed at the Port or Place, for which the same shall have been so declared: And for the taking such Security, no Fee or Reward shall be demanded or received: And if any Person shall counterfeit, raise, or falsify any Certificate, or knowingly publish any such Counterfeit, rated, or false Certificate, he shall forfeit the Sum of *Two Hundred Pounds*, and such Certificate shall be void and of none Effect, which said Penalty shall be recovered in the same Courts and in the same

Manner



Manner as the other Penalties inflicted by this Act are recoverable, and be divided in equal Moieties between his Majesty and the Informer.

Provided also, That in Case the said Naval Officer when any Certificate shall be produced to him, shall have cause to suspect, that such Certificate is false and counterfeit, the Bonds shall not be cancelled or the Security vacated until the said Naval Officer shall have been informed from the Person or Persons in whose Name such Certificate shall appear to have been granted, that the Matter and Contents of such Certificate are just and true.

Provided nevertheless, That the said Bond or Bonds if not prosecuted within Three Years shall be void.

And be it further enacted, That all Certificates of the Landing and Discharging of any warlike Stores of whatsoever Denomination to be exported, shall be returned within the respective Times following, (*that is to say*) when the Bonds are taken in Respect of any such warlike Stores as aforesaid, to be exported to Great-Britain or Ireland, within Eighteen Calendar Months, after the Date of the said Bonds, and in Respect of any such warlike Stores to be exported from this Province, to any other of his Majesty's said Colonies, or from any Port or Place in this Province, to any other Port or Place in the same respectively within Twelve Calendar Months, after the Date of the said Bonds respectively.



An Act to prevent the Firing of Squibs, Rockets, Serpents or other Fireworks.

Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That it shall not be lawful for any Persons to make, or cause to be made, or sell, or expose to Sale any Squibs, Rockets, Serpents, or other Fireworks, or any Cases, Moulds, or other Implements for the making the same, or for any Persons to permit any Squibs or other Fireworks to be thrown or fired from their Houses, Lodgings, or Habitations, or Place thereto belonging or adjoining, into any public Street, Road, Passage or Water, or for any Person to throw, or fire, or be assisting in throwing, or firing of any Squibs, or other Fireworks into any public Street, House, Shop, Highway, Road, Passage or Water; and that every such Offence shall be judged a Common Nuisance.

Be it further enacted, That if any Persons shall make, or cause to be made, or shall give, sell, or utter any Squibs, Rockets, Serpents or other Fireworks

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Fireworks, or any Moulds or Instruments for the making of any such Squibbs, Rockets or Serpents or other Fireworks, every Person so offending and being thereof convicted before one of His Majesty's Justices of the Peace of the Place where such Offence shall be committed, by Confession of the Party, or the Oath of *One* credible Witness shall forfeit the Sum of *Forty Shillings*; and if any Persons shall throw, or fire, or be aiding and assisting in throwing or firing of any Squibbs, Rockets, Serpents, or other Fireworks, into any public Street, House, Shop, Highway, Passage, or Water, every Person so offending, and being thereof convicted as aforesaid, shall forfeit the Sum of *Forty Shillings*, and if any Persons shall permit any Squibbs, or other Fireworks, to be thrown or fired from their Houses, Shops, Lodgings, or Habitations, or in any Place thereto belonging, or adjoining to any public Street, Road or Passage, or any other Place, every such Person so offending and being thereof convicted as aforesaid, shall forfeit the Sum of *Forty Shillings*. The said several Forfeitures to be levied by Distress and Sale of the Goods of every such Offender, by Warrant of the Justice, before whom the Conviction shall be made, the one Half of the Forfeiture to be to the Use of the Poor where the Offence shall be committed, and the other Half to the Use of them, who shall prosecute and cause such Offenders to be convicted; and if said Persons so offending shall not immediately upon their being convicted, pay to the Justice before whom such Conviction shall be made, the said Forfeiture for the Uses aforesaid, such Justice is hereby required and impowered, by Warrant to commit such Person to the House of Correction, or Goal for any Time not exceeding *Fourteen Days*, unless such Offender shall sooner pay such Forfeiture to the said Justice.

Provided, That this Act shall not extend to debar the Governor, Lieutenant-Governor, or Commander in Chief of this Province, or the commanding Officers of His Majesty's Troops, or any Persons employed under them or either of them, from making and firing off any such Fireworks as aforesaid.

Be it also enacted, That no Person whatsoever shall presume to make, or cause to be made any Bonfires within *Three Hundred Yards* of any Buildings, Stacks of Hay, or Corn, under the Penalty of *Forty Shillings*, to be recovered and applied in the Manner as mentioned in this Act.

An Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire.

2-7.

as enacted
This Chapter

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That it shall and may be lawful to and for the Justices of the Peace for the Town and County of *Halifax*, from Time to Time Annually in their Sessions, to appoint such Number of prudent Persons of known Fidelity not exceeding *Ten*, in the several Parts of the said Town of *Halifax*, and the Suburbs thereof, as they may think fit, who shall be sworn faithfully to discharge their Trust and shall be denominated and called *Firewards*, and have a proper *Badge* assigned to distinguish them in their Office, viz: A Staff of Six Feet in Length, coloured Red, and headed with a bright *Brass* Spear of six Inches long.

And be it further enacted, That at the Times of the breaking forth of Fire in the said Town or Suburbs thereof, and during the Continuance thereof, the said Firewards shall and are hereby authorized and empowered, jointly or seperately to command and require Assistance for the extinguishing and putting out the Fire, and for removing of Household Stuff and Furniture, Goods, and Merchandizes out of any Dwelling Houses, Store-Houses, or other Buildings actually on Fire or in Danger thereof, and to appoint Guards to secure and take Care of the same; As also to require Assistance for the pulling down of any Houses, or any other Services relating thereto, to stop and prevent the further spreading of the Fire; and to suppress all Tumults and Disorders. And the Officers appointed from Time to Time as aforesaid, are required upon the Notice of Fire breaking forth (taking their Badge with them) immediately to repair to the Place, and vigorously exert their Authority for the requiring Assistance, and using their utmost Endeavours to extinguish, and prevent the spreading of the Fire, and to preserve and secure the Estate and Effects of the Inhabitants; and due Obedience is required to be yielded unto them, and each of them accordingly for that Service: And for all Disobedience, Neglect or Refusal in any Person Information thereof shall, within Two Days next thereafter, be given to any One of His Majesty's Justices of the Peace for the said County and Town, and upon Conviction thereof, before any two of the Justices aforesaid, each and every Person so convicted shall forfeit and pay the Sum of Forty Shillings, to be levied and distributed by the Direction of such Justices, among the Poor most distressed by the Fire; and in Case the Offenders are unable to satisfy the Fine then to suffer Ten Days Imprisonment.

And

And be it further enacted- That when any Fire shall break out in the said Town of *Halifax*, or the Suburbs thereof, *Two* or more of the Magistrates or Firewards of the said Town, shall and may, and are hereby impowered to give Directions for pulling down any such House or Houses as shall by them be judged meet to be pulled down, for the stopping and preventing the further spreading of the Fire; and if it shall so happen, that the pulling down any such House or Houses by the Direction aforesaid, shall be the Occasion of stopping the said Fire, or that the said Fire shall stop before it come to the same, that then all and every Owner of such House or Houses shall receive reasonable Satisfaction, and be paid for the same by the rest of the Inhabitants of the said Town and Suburbs, (to be accounted from the River called *Fresh-Water-River*, to Mr. *Mau-ger's* Distilling House inclusive) whole Houses shall not be burnt, in the Manner hereinafter prescribed, *That is to say,*

The Owner or Owners of such House or Houses so pulled down and intitled as aforesaid, as soon as may be, make Application to the *First Justice* in the Commission of the Peace for the said Town and County, or in his Absence to the next Justice named in the said Commission, who is hereby impowered to call a *Special Sessions* of the Justices, who shall meet at the Time appointed; and the Court being satisfied by such Proof as shall be brought, of the Justice of the Claims made, they shall then issue an Order for the Valuation of the Damages so sustained, to be made by *Two* or more indifferent Persons, who shall make a Return of their Proceedings upon Oath into the said Court by the Day affixed, whereupon the Court shall appoint *two* or more Assessors, who shall Tax the Houses of the said Inhabitants that have not been burnt, at such Rate or Rates as shall by them be thought just, in Proportion to the Value of the Houses that are to be taxed, for paying the said Damages and the Charges of Valuation, Taxation, and Collection, together with the other Fees of the Court, to be settled before the making such Assessment; and the said Assessors are to report their Proceedings to the Court also upon Oath. And the said Court shall thereupon issue an Order for collecting the Monies to be taxed, and in Case of Non-payment the same to be levied by Warrant of Distress to be obtained from any *One* of the said Justices upon Application to him by the Collector or Collectors of the said Tax: And as soon as the Assessments are so collected, the Court shall order Payment to be made to the Party claiming according to the Report made and approved of the said Damages; as also the Payment of such other Charges as aforesaid.

Provided, That if the House where the Fire did begin and break out, shall be judged fit to be pulled down to hinder the increase and further spreading of the same, that then the Owner of such House shall receive no Manner of Satisfaction therefor, any Thing herein contained to the contrary notwithstanding.

And be it likewise enacted, That if any evil minded wicked Persons, shall take Advantage of such Calamity, to rob, plunder, purloin, embezzle, or convey away, or conceal any Goods, Merchandizes or Effects, of the distressed

distressed Inhabitants, whose Houses are on Fire or endangered thereby, and put upon removing their Goods; and shall not restore and give Notice to the Owner or Owners, if known, or bring them into such public Place as shall be appointed and assigned by the *Governor and Council*, within the Space of *Two Days* next after Proclamation made for that Purpose, the Person or Persons so offending, and being thereof convicted, shall be deemed Felons and suffer Death as in Cases of Felony, without Benefit of Clergy.



*An Act in Addition to an Act, intituled, An Act
for establishing and regulating a Militia.*

ip. 8 **W** *HEREAS* by an Act, intituled, *An Act for establishing and regulating a Militia*, it is enacted, " That the Captain and commissioned Officers of each Company shall, and thereby are fully impowered to nominate and appoint proper Persons to serve as Serjeants and Corporals in their respective Companies, and to dis-
" place them and appoint others in their Room, as they
" shall see Occasion." But whereas no provision is made to oblige Serjeants and Corporals, so nominated and appointed, to serve : which is found highly detrimental to the Service, when the Militia are ordered to do Duty,

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That any Person who shall be nominated and appointed to serve as a Serjeant or Corporal, as directed in the above-mentioned Act, and shall refuse to serve, shall pay *Forty Shillings* Fine, and another shall be chosen in his Room, and so on until one do accept.

And be it further enacted, That if any Serjeant or Corporal shall be guilty of any Neglect of Duty, or shall be drunk, or be disorderly while on Duty, such Serjeant or Corporal shall forfeit and pay the Sum of *Ten Shillings*, or be committed and set to hard Labour for *Forty Eight Hours*; which said Fines shall be recovered and applied in the same Manner, as directed by the above-mentioned Act for a Person refusing to serve as Clerk.

And whereas there are sundry supernumerary Militia Officers, Commission'd in this Province, who are not appointed to any particular Companies.

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Be it enacted, That such Officers shall not be obliged to do Duty as *Non-Commissioned*, or *Private*; But shall nevertheless hold themselves in Readiness to do Duty according to their Rank, when ordered by the Officers Commanding in their respective Districts.

And whereas by the said Act, "intituled, An Act for establishing and regulating a Militia," *It is enacted*, "That every Captain, or Chief Officer of any Company or Regiment shall be obliged, on a Penalty therein mentioned, to draw forth his Company every *Three Months* and no more, to exercise them in Motions, the Use of Arms, and Shooting at Marks, or other Military Exercises."

Which has been thought to be insufficient to answer the Purposes designed by the said Act,

An Act

Be it therefore enacted, That from and after the Publication hereof, every Captain or Chief Officer of any Company of Militia, having received Orders for that Purpose from the Officer commanding any Regiment of Militia, or any other Corps or Body of Militia, who are required to give Orders accordingly, shall be obliged on Penalty of *Five Pounds*, to draw forth his Company or cause them to be drawn forth for exercising them in Motions, the Use of Arms, and Shooting at Marks, or other Military Exercises, *Eight Days* in each Year and no more; to be regulated at the Discretion of such commanding Officer, according as will best suit with the Conveniency of the People, and as will give the least Interruption to their Labour and Industry: And every Person liable to be trained, having *Three Days* Notice thereof, and not appearing and attending the same, shall for each Day's Neglect, pay a Fine of *Five Shillings*.

And be it further enacted, That if any any Person be appointed to be a Drummer in any Company, he shall remain in the said Company, notwithstanding he may not reside in the District which composes the same. *Provided*, That the Drummer shall be obliged to serve in any Company, but in the Town where he resides, unless ordered on a March.

And Be it further enacted, That the said Act, intituled, *An Act for establishing and regulating a Militia*, together with the Additions and Amendments thereto, be construed and are hereby declared, to extend all over this Province.

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An Act for the better regulating the Militia, on actual Service in Time of War.

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WHEREAS in Times of imminent Danger, either by Invasion or Sudden Attack made or threatened to be made by his Majesty's Enemies on any of his Subjects within this Province, inasmuch that His Excellency the Governor, Lieutenant-Governor, or Commander in Chief for the Time being, shall, by Virtue of the Power granted him by his Majesty's Commission, Judge it expedient to order any Part of the Militia of this Province to march from one County or part of the Province to another, on necessary Service; or to do Duty by mounting Guard: In such Case it is requisite that due Subordination should be observed, for preventing Mutiny, Desertion and Contempt.

Be it enacted, By the Lieutenant Governor, Council, and Assembly, That If any Officer, Non-commissioned Officer, or Soldier of the Militia, under Arms for real Service, on a March, or on Guard, or that shall be ordered for any of the abovementioned Duties, shall disobey Orders, or neglect doing his Duty, or shall shew any contemptuous Behaviour towards his superior Officer; if an Officer, he shall on Conviction thereof before a *General Court Martial* to be constituted and appointed as hereinafter directed, be cashiered by the Sentence of such Court Martial; if a Non-commissioned Officer or Soldier, he shall be confined by the commanding Officer of such Party or Guard: And it shall be lawful for the commanding Officer of the Regiment, or of any Party, or Command, not under the Degree of a Captain, to order a *Regimental Court Martial* to be forthwith held, for the Trial of such Offender; the said *Court Martial* to consist of one Captain and two Subalterns at least, but where they can be had of One Captain and four Subalterns, who may give Judgment by laying a Fine on such Offender in any Sum not exceeding *forty Shillings*, which Fine so ordered by the Court-Martial, if he neglect or refuse to pay the said Offender shall be corporally punished, by riding a Wooden Horse any Time not exceeding *Half an Hour*, or be committed to the House of Correction to be kept to hard Labour there for any Time not exceeding *Ten Days*.

Provided nevertheless, That no Sentence of a *Regimental Court Martial* shall be put into Execution until approved of by the commanding Officer of the Regiment, or of the Detachment where the Crime may have been

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And be it further enacted, That if any Officer, Non-commissioned Officer, or Soldier, of the Militia, shall in the Field, upon a March, or in Quarters on actual Service, desert the Troop Company or Command to which he belongs, or shall disobey orders; if a commissioned Officer, he shall be put under Arrest by the commanding Officer, if a Non-commissioned Officer, or Soldier, he shall be sent to the next County or other Jail as soon as convenient, and it shall and may be lawful for his Excellency the Governor, Lieutenant Governor or Commander in Chief of the Province, to order a General Court Martial, by a Warrant under his Hand and Seal, for the Trial of such Offender as Speedily as the Service will admit; which Court Martial shall not consist of a less Number than Thirteen commissioned Officers of the Militia; and the President of such Court Martial shall not be under the Degree of a Field Officer, and there shall be as many Captains as conveniently can be had, the eldest Subalterns to make up the Number: And that such Court-Martial shall have Power to administer an Oath to any Witness, in order to the Examination or Trial of the above Offences that shall come before them.

And be it further enacted, That such General-Court Martial shall have Power to punish with Death, or otherwise by Fine or Imprisonment, the Fine not exceeding *Twenty Pounds*, or Imprisonment not more than *six months*.

Provided always, That in all Trials by General-Courts Martial, every Officer, before any Proceeding be had, shall take the following Oath, and the Judge Advocate is hereby authorised to administer the same.

Y^OU Shall well and truly try and determine according to your Evidence in the Matter now before you, between Our Sovereign Lord the King's Majesty and the Prisoner to be tried.

And no Sentence of Death shall be given against any Offender, by any such General Court-Martial, unless *Twelve* Officers present shall concur therein; and His Excellency the Governor, Lieutenant-Governor, or Commander in Chief, shall have Power to appoint any one of His Majesty's Justices of the Peace for said Province, or other fit Person, to act as Judge Advocate at any such General Court-Martial.

And be it also enacted, That no Sentence of such General Court-Martial shall be put in Execution before the same be approved by his Excellency the Governor, Lieutenant Governor or Commander in Chief for the Time being.

Provided always and be it enacted, That when any Part of the Militia shall be draughted to march from one part of the Province or Town to Another

another on real Service, all such Draughts or Detachments shall be made by Ballot from Each Company, in exact Proportion according to their Numbers then fit for Duty, which shall be on the Oath of the Captain, or commanding Officer, to the best of his Knowledge, if required ; and each and every Person so draughted shall go in his own proper Person or find a good Man in his Room, and for his Neglect or Disobedience herein, he shall be confined by the commanding Officer, and shall pay a Fine of *Ten Pounds*, or remain in Jail for *Three Months*, and another Man shall be draughted as aforesaid to march in his Place, who shall have *Half* of the above Fine.

And be it further enacted, That when any Part of the Militia shall be ordered to march from one Part of the Province or Town to another not in the same County to which they belong, on real Service, there shall be allowed and paid to the commissioned, Non-commissioned Officers, Drummers and Private Soldiers, for so long as they shall remain on such Service, at and after the Rates following, *That is to say*, to the commissioned Officers at and after the same Rate as Officers of the like Rank in his Majesty's Troops ; to the Sergeants after the Rate of *Two Shillings*, Corporals *One Shilling and Four Pence*, Drummers *One Shilling and Four Pence*, and private Soldiers *One Shilling per Diem* each, together with the like Allowance of Rations of Provisions of all Kinds as are distributed and allowed to the Non-Commissioned Officers and Soldiers in his Majesty's Regular Forces.

Provided always, That this Act nor any Thing herein contained shall take Effect or be carried into Execution at any Time, but on Occasion of actual Invasion or sudden Attack from an Enemy, or imminent Danger thereof, any Thing herein contained to the contrary notwithstanding.

All Fines and Forfeitures to be incurred by this Act, and not particularly appropriated shall be applied to such military Uses as shall be thought necessary by the Governor, Lieutenant-Governor, or Commander in Chief of this Province for the Time being.

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An Act for continuing an Act made and passed in the Thirty third Year of His late Majesty's Reign, intituled, An Act for the summary Trial of Actions.

W H E R E A S an Act made and passed in the Thirty third Year of His late Majesty's Reign, Intituled " An Act for the summary Trial of Actions," is near expiring; and it is thought expedient that the same should be continued for a further Time, Be it therefore Enacted by the Lieutenant-Governor, the Council and Assembly, That the said Act be and the same is hereby continued for Two Years from the Publication of this Act. *Cap. 10*

An Act for regulating the Exportation of Fish, and the Affize of Barrels, Staves, Hoops, Boards, and all other Kind of Lumber; and for appointing Officers to survey the same.

B E it enacted by the Lieutenant-Governor, Council and Assembly, *Cap. 11*
That from and after the end of this present Session of the General Assembly, all pickled Fish for Exportation shall be put in none but Barrels of thirty-one Gallons and a half atleast, and that the Fish be all of one Kind, well saved, sweet, free from Rust, and close packt, the Barrels tight, and full of sweet and strong Pickle.

That Herrings be free from Oil.

That merchantable Cod-Fish have the Qualities that make them so in Newfoundland.

That

That all Hoghead Staves be six Inches broad, three quarters of an Inch thick at the thin Edge, and forty Inches long.

That Barrel Staves be four Inches broad, and half an Inch thick at the thin Edge, and thirty Inches long.

That Barrel Staves for the *Irish* Market be thirty Inches long, five Inches broad, clear of Sap, and three quarters of an Inch thick at the thin Edge.

That Hoghead Hoops be fifteen Feet long, substantial and well shav-
ed, and three quarters of an Inch broad at the small End.

That Barrel Hoops be nine Feet long, and half an Inch broad at the small End.

That Boards shall be full one Inch thick,

That Shingles be eighteen Inches long at least, four Inches broad, and half an Inch thick at the thick End.

That Clapboards be five Inches broad, half an Inch thick at the Back, and four Feet four Inches long.

That Chord-Wood be full four Feet long each Stick, accounting half the Carf, the Pile to be solid, four Feet high, or an Allowance for Wants of eight Feet long, and each Chord sound hard Wood.

And be it further enacted, That all Barrels used for Fish within this Province, shall be made of sound well seasoned Timber and free of Sap, and that fit Persons be appointed from Time to Time in all Places need-
full, to view and gauge all such Barrels; and such as shall be found tight and of the Affize beforementioned, shall be marked with the Gauger's Mark, who shall have for his Pains *Eight Pence* per Ton; and every Cooper shall make his Barrels of the Affize aforesaid, and shall set his distinct Brand Mark on all Barrels so made by him, on Penalty of *Forty Shillings* for each Offence.

And Be it also enacted, And whosoever shall put to sale any Barrels new made up from old Stuff, being deficient either in Workmanship or Timber, upon Proof thereof made by one sufficient Witness, before any one of His Majesty's Justices of the Peace, he shall forfeit such Barrels, and be fined and pay the Sum of *Ten Shillings* for every Barrel that shall be so found defective, or shall suffer *Ten Days* Imprisonment for every such defective Barrel. *Provided* the said Imprisonment do not in the whole exceed the Term of *three Months*.

And

And be it enacted, That the Grand Jury for each County within the Province, shall annually at the *First General Quarter Sessions* in the Year, and before the Rising of the Court, nominate and appoint fit Persons to serve in such Towns or Places where the same shall be necessary, as Gaugers of Casks or Barrels, Cullers and Surveyors of dry and pickled Fish, Boards, Staves, Shingles, Clapboards, Hoops, and Chord-Wood, and shall report to the said Court the Names of the several Persons by them so nominated and appointed for the Service aforesaid, that they may be sworn by the said Court to the due Execution of their several Offices, which if any so nominated and appointed shall refuse, he shall pay the Sum of *Forty Shillings*, and another shall be nominated and appointed in the like Manner in his stead; and failing of any of these by Misbehaviour, Death, or leaving the Province, or changing the Town of his Residence, their Places shall be filled up, by a new Nomination and appointment in the same Manner at the next *Quarter Sessions*, or *Special Sessions* to be called for that Purpose, under the like Penalty for Refusal.

And be it further enacted, That every Gauger of Cask or Barrels appointed as aforesaid, shall take Care that such Cask or Barrels by him viewed and marked as aforesaid, be agreeable to the Directions of this Act; and that he mark no Cask or Barrels whatsoever defective in any of the above Particulars, on Penalty of *Ten Shillings* for every Cask so by him marked that shall be found defective in any of the aforesaid Respects.

And be it enacted, for preventing of Fraud and Deceit in the packing of pickled Fish to be put to Sale, That in every Town within this Province where such pickled Fish are packed for Sale, the Surveyor or Surveyors of Fish of such Town, or of the Town where they are put to sale or shipped, shall see that it be well and orderly performed, and that the said Fish be packed all of one Kind, and that all Cask or Barrels so packed be full, and in all other Respects answerable to the Regulations herein specified in that behalf, setting his Brand or Mark on all Casks or Barrels so by him examined and surveyed, and he shall receive of the Owner or Seller of such Fish, for surveying and marking, *Two Pence* per Barrel and *Four Pence* per Mile for his Travel; and if any such pickled Fish be put to Sale or shipped off without the Surveyor's Brand or Mark, they shall be forfeited, or the Value thereof, by the Seller or Shipper of the same.

And be it likewise enacted, That all Sorts of green or pickled Fish that shall be put up for Exportation to a Foreign Market, shall be searched, surveyed, and approved by the sworn Surveyor, who shall take strict Care that the same be in all Respects agreeable to the Regulations herein before specified, and shall and may open the Head of any one Barrel the Buyer shall chuse for that Purpose, and such as shall be found good and merchantable the Surveyor shall mark with such Brand Mark as shall be assigned to him by the said Court, and such other Cut-Mark as may denote the Kind of Fish and Time when packed. And if any Master of any Ship or Vessel, or any Officers or Mariners belonging thereto, shall receive such pickled Fish not marked and branded as aforesaid, on board any of their

Ships or Vessels, he or they who shall offend therein, shall forfeit double the Value of all such Fish; and he or they who shall own such Fish shall forfeit the same, or the Value thereof. And if any Cooper or other Person shall shift any Fish, either on board or on Shore, after the same hath been to marked and branded by the Surveyor, and ship and export the same, the Surveyor not having allowed thereof, and marked the Casks or Barrels a new whereinto such Fish shall be shifted; all Persons acting, ordering, or assisting therein, upon Conviction thereof before any one of his Majesty's Justices of the Peace, by the Oath of one credible Witness, for the first Offence shall suffer Six Months Imprisonment; for the second nine Months Imprisonment; and for the third twelve Months Imprisonment without Bail or Mainprize; and shall likewise pay double Damages to the Person wronged thereby. And if any Person or Persons shall presume to counterfeit the Brand-Mark of any Surveyor or Gauger; or Certificate of any Culler, upon due Proof or Conviction, he or they shall incur, forfeit, and pay the Sum of Ten Pounds, and suffer one Month's Imprisonment.

And be it further enacted, That the Culler of dry Cod-Fish thereto appointed as aforesaid, shall cull all such dry Cod-Fish that shall be sold or exported, and shall have One Penny per Quintal for every Quintal of Fish by him culled, and Four Pence per Mile for his Travel, to be paid by the Owner or Seller; and such Culler shall give a Certificate under his Hand specifying the Quantity of Fish so by him culled, and the Name of the Owner, Seller, or Shipper thereof, and of the Time or Place where culled, and if any dry Cod-Fish shall be put to Sale, or shipped for Exportation, without having been so culled by the Culler, or without such Certificate thereof as before directed, the same shall be forfeited, or the Value thereof, by the Seller or Shipper of the same.

And be it also enacted, That all Boards, Plank, Timber and Slit-work, that shall be imported or brought for Sale to any Town within this Province, or exported from thence to any Foreign Market, before their Delivery on Sale, shall be viewed, surveyed and also measured, by one of the Surveyors thereto appointed, (where he shall have any Doubt of the Measure) having Consideration for drying and shrinking; also shall mark a-new all such to the just Contents, making Allowance for Rotts, Splits and Wains, the Seller to pay the Officer Four Pence per thousand Feet for viewing only, and six Pence per thousand Feet more for measuring and marking; and so in Proportion for a lesser Quantity than a thousand Feet, and four Pence per Mile for his Travel as aforesaid: And no Boards, Plank, Timber, or Slit-work, shall be delivered upon Sale, or shipped for Exportation beyond Sea, before they have been viewed and surveyed by the Surveyor, and by him found answerable to the Description in this Act mentioned; and also measured (if Occasion be) and marked a-new by one of the Officers thereto appointed; on Pain of being forfeited, or the Value thereof, by the Seller or Shipper thereof.

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And be it enacted, That all Shingles and Clapboards exposed to Sale by Quantities in Bundles, that do not hold out the Number they are marked for, unless it shall appear that some have been drawn or shaken out of the Bundles after packing, shall be forfeited; the Charge of searching and telling to be paid thereout. That every Bundle of Shingles and Clapboards that, according to the Judgment of the Surveyor, will hold out eighteen Inches long, four Inches broad, and half an Inch thick, agreeable to the Dimensions by this Act prescribed for Shingles, and if Clapboards, five Inches broad, half an Inch thick at the Back, and four Feet four Inches long, being the Dimensions by this Act prescribed for Clapboards; shall be accounted merchantable, and that are otherwise to be culled out and burnt, 'till what be left of said Bundles will bear the same Proportions before prescribed, according to the Judgment of the said Surveyor, who shall have for his Service, if Shingles, Twopence per Thousand; if Clapboards, Two pence per Thousand surveying, and One Penny more per Thousand telling; to be paid by the owner or Seller, where no Forfeiture is found for want of Tale to satisfy such Charge, and for every Thousand he culls and binds up again, Six Pence per Thousand, and proportionably for a lesser Quantity, to be paid by the Owner or Seller of the said Shingles or Clapboards, returning the Remainder to the Owner, if any be, after the Charges are paid.

And be it also enacted, That if any Boards, Plank, Timber, or Slit-work, or any Shingles or Clapboards shall be exposed for Sale, or shipped for Exportation, without such Survey as above directed, had before the Delivery thereof; the whole of such Boards, Plank, Timber, Slit-work, Shingles or Clapboards, or the Value thereof, shall be forfeited by the Seller or Shipper.

And be it further enacted, That all Hoghead Staves, Barrel Staves, Hoghead Hoops, and Barrel Hoops that shall be imported or brought for Sale to any Town within this Province, or exported from thence to any foreign Market, before their Delivery on Sale shall be viewed and Surveyed by one of the Surveyors thereto appointed, who shall take strict Care that the same be severally conformable to the Directions of this Act; and that all Staves and Hoops, that according to the Judgment of the said Surveyor, shall be agreeable to the Directions of this Act, and none other, shall be accounted Merchantable; and all that shall be found otherwise to be culled out and burnt, till what be left will bear the several Proportions by this Act prescribed, according to the Judgment of the said Surveyor, who shall have for his Service, if Staves, Six Pence per Thousand, if Hoops Three Pence per Thousand to be paid by the Seller.

And be it also enacted, That all Hoops exposed to Sale by Quantities in Bundles that do not hold out the Number that they are so exposed to sale for, unless it appears that some are drawn or shaken out of the Bundle after packing, shall be forfeited; the Charge of surveying Three Pence per Thousand, and Three Pence per thousand telling, and so in Proportion

Proportion for a lesser Quantity, being paid thereof. And if any Staves or Hoops shall be delivered upon sale or shipped for exportation to any Foreign Market, before they have been surveyed by the Surveyor, and by him found to answer the Descriptions in this Act mentioned, the same shall be forfeited, or the Value thereof, by the Seller or Shipper thereof.

And be it further enacted, That all Chord-Wood exposed to sale, shall on the Sale, and before the Delivery thereof, be surveyed by the Officer for that Purpose appointed, who shall measure the same, and take Care that each Chord do answer the Qualifications by this Act required; and he shall receive of the Seller for each Survey and Examination, *Two Pence* per Chord and no more; and if any Chord-wood shall be sold and delivered without such Survey, the same shall be forfeited, or the Value thereof, by the Seller.

And be it further enacted, That if any Person shall refuse to satisfy the Officer or Officers by this Act appointed, his Fees beforementioned, he shall have Power to detain so much of the Commodity as will make him Satisfaction for his Fees and Travel aforesaid: *Provided* that such Fees do not exceed the Sum of *Twenty Shillings*, and in Case the same shall exceed the Sum of *Twenty Shillings*, then to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, under the Hand and Seal of any one of His Majesty's Justices of the Peace, the Surplus, if any be, after paying the Officer's Fees and Charges of Distress and Sale, to be returned to the Owner of the said Goods.

And be it further enacted, That an Oath shall be administered to the several Officers that shall be chosen to gauge, survey and search the several Articles in this Act mentioned, in the following Form, *Viz.*

YOU swear, That you will from Time to Time diligently and faithfully discharge and execute the Office of-----within the Limits whereto you are appointed for the ensuing Year, and until another be chosen in your Place; and that in and by all the Particulars mentioned in the Laws whereto your Office hath Relation; and that you will do therein impartially according to Law, without Fear or Favour.

So help you G O D,

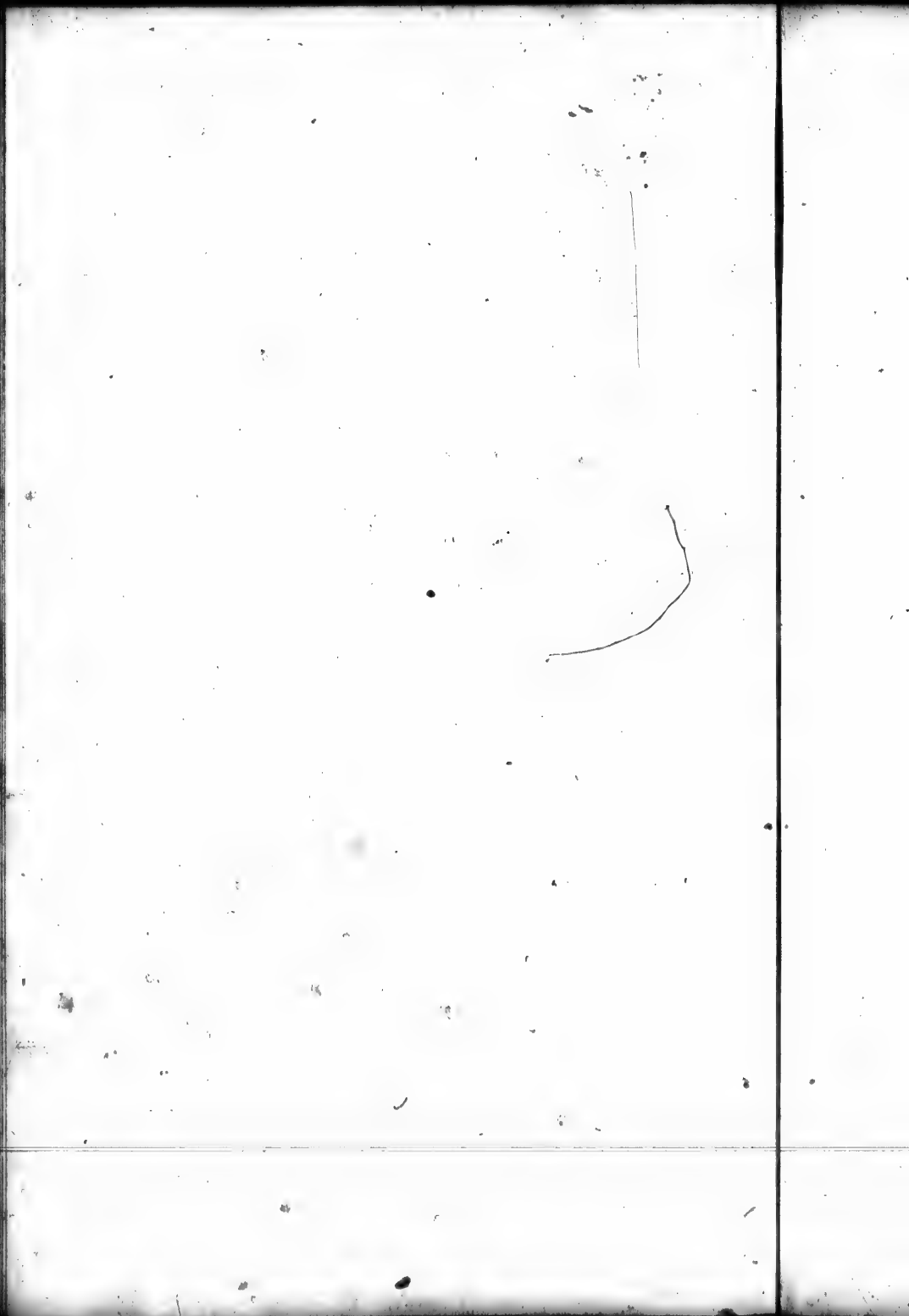
And be it likewise enacted, That all Fines, Penalties, and Forfeitures arising by Force and Virtue of this Act, shall be one Half to His Majesty, towards the Support of His Majesty's Government of this Province, and the other Half to him or them that shall inform or sue for the same; to be recovered in Manner following, *That is to say,* Where the Forfeiture or Value thereof shall not exceed the Sum of *Twenty Shillings*, the same to be recoverable before any one of His Majesty's Justices of the Peace, by Oath of one credible Witness, to be levied by Warrant of Distress and Sale of the offender's Goods and Chattels, under the Hand and Seal of such Justice, and for want of sufficient Distress, such Offender to suffer *twenty Days* Imprisonment; and where the Forfeiture or Value shall amount to

Above

above *Twenty Shillings*, but shall not exceed the Sum of *Three Pounds*, then the same to be recoverable before any two of his Majesty's said Justices of the Peace upon the like Proof as above, and to be levied by like Warrant under the Hands and Seals of such Justices, and for want of sufficient Distress the Offender to suffer sixty Days Imprisonment; and in case such Forfeiture or the Value thereof shall exceed *Three Pounds*, the same to be recoverable by him or them who shall inform or sue for the same, in any of His Majesty's Courts of Record in this Province.

And be it enacted, That this Act be read and published once every Year, at the opening of the first Courts of General Quarter Sessions of the Peace for the several Counties within this Province.





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Third Assembly.

Third Session.

25th April. 1783.

Act. 4. Geo. 3. Reg.

Acts for

- 116 - Relief of Poor in the town of Halifax.
117 - Addⁿ to Amending the Act for suppressing unlicensed houses &
123 - Regulating Proceedings of the Courts. Duties Wine, & Rum &c.
124 - Altering & Amending Acts relating to Excise on Wine & Rum &c.
130 -
136 - Preventing Frauds in Sale of West India Flour & Biscuit in Casks.



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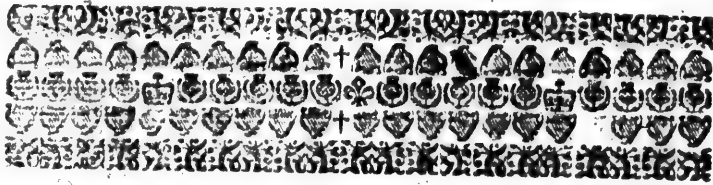


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At the GENERAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun
and holden at *Halifax*; on Wed-
nesday the 1st Day of *July*, 1761,
in the First Year of His Majesty's
Reign, and there continued by se-
veral Prorogations untill Monday
the Twenty Fifth Day of *April*,
1763, in the Third Year of His
Majesty's Reign.

*Session
3rd Year.*



AN ACT

For the Relief of the *Poor* in the Town of *Halifax*.



*E*t it enacted by the Lieutenant Governor, Council, and
Assembly, that the Sum of One Hundred Pounds shall
be assessed upon the Inhabitants of the Township of
Halifax for the Relief and Support of the *Poor*, be-
longing to the said Township this Current Year,
which Assessment shall be made by Five persons to
be appointed *Assessors*, by the *Justices* at the next
General Court of *Quarter-Sessions of the Peace*, to be held at *Halifax*,
after Publication hereof, who shall Administer to them an Oath for
the Due and Faithful execution of their Office, according to the best

*Cap. 6
recited*

of their Skill and Judgement. And if any Person so Nominated and Appointed as aforesaid, shall Refuse to be Sworn into the said Office, he shall forfeit and pay the Sum of Five Pounds, and another shall be nominated and appointed in like manner in his stead. And the said Assessment shall be regularly made out and Subscribed by the Assessors, and being so Completed they shall deliver the same to the Overseers of the Poor, who are hereby impowered and directed, to Collect and receive the Sums so Assessed, from the Inhabitants of the said Township according to their respective Rates as Assessed, at Two payments, One Moiety thereof, to be Collected as soon as may be after the said Assessment shall be made, and the remaining Moiety, to be Collected immediately after the Twenty ninth Day of September next.

And in case any of the said Inhabitants shall neglect or Refuse to Pay the Sum they are so Assessed in, then said Overseers are hereby impowered to levy the same by Distress and Sale of the Goods and Chattels of the Person neglecting or refusing to Pay the same, together with all Charges attending thereon.

Provided always, that if any Person shall think himself aggrieved by said Assessment, he may bring his Complaint to the next General Court of Quarter-Sessions; where the same shall be Finally determined.

And it is further enacted, that the Overseers of the Poor shall Account upon Oath, to the Court of General Quarter-Sessions, for all such Money as they shall Receive by Virtue of this Act.

An Act in further Addition to and Amendment of an Act intituled, *An Act for suppressing unlicensed Houses and for Granting to His Majesty a Duty on Persons hereafter to be licensed.*

Cap. 2

WHEREAS several difficulties have arisen in carrying into Execution several of the clauses of the Act intituled, *An Act for Suppressing unlicensed Houses and for Granting to His Majesty a Duty on Persons hereafter to be licensed*; For amendment whereof Be it enacted by the Lieutenant Governor Council and Assembly, That from and after the Publication hereof, If any person or persons whatsoever within this Province, either by themselves or any of their children, or known or reputed Servants or Substitutes under them, directly or indirectly, in any House, Shop, Warehouse, Storehouse or other place whatsoever belonging to the Father or Mother of such child or children, or to the known or reputed Master or Mistress of such servant

or substitute, shall sell, barter, or exchange, or deliver upon credit any Rum, Brandy, Wine, Ale, Cyder, Perry, or other Strong Liquors mixt or unmixt, by whatsoever name or names they are or may be called or distinguished, without Licence first had and obtained for that purpose in manner and form as directed by the said act, whether such child, children, Servant or Substitute, so sold, bartered, or exchanged, or delivered the same or not by the Commandment of such Father, Mother, Master or Mistress, or shall hawk, sell, or expose to Sale, barter, or exchange or deliver upon credit any such Liquors mixt or unmixt, by whatever name or names they are or maybe called or distinguished, about the Streets, Wharves, Highways, Lanes, or Suburbs of the Town of *Halifax*, or any other Town or Place whatsoever within this Province, in any manner whatsoever; or upon the Water in any Ship, Boat, or Vessel, or in any other manner whatsoever, or shall deliver upon Credit or sell or barter or exchange, or expose the same to Sale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places; the Father or Mother of such Child or Children, the reputed Master or Mistress of such Servants or Substitutes, shall forfeit for every Offence the Sum of Ten Pounds Currency of this Province; and it shall and may be lawful for any one Justice of the Peace within this Province on his own view, or on Confession of the Party, or by Proof on the Oath of One Credible Witness, to Convict any person or persons so offending: And the person or persons so convicted shall immediately on such and every other like Conviction, pay the Sum of Ten Pounds into the hands of such Justice; and on such Offender or Offenders refusing or neglecting to pay the said Sum together with the Charges of Prosecution, it shall and may be lawful for such Justice to issue a Warrant under his Hand and Seal, for the levying the same by Distress and Sale of the Offender's goods and Chattels; And if no Sufficient Distress can be found then the said Justice shall by Warrant under his Hand and Seal, Commit the Offender or Offenders to His Majesty's Goal within the County where the Offence shall be committed there to remain in close Confinement for the Space of Three Months, or until he or they shall have fully paid and satisfied the said Fine and Charge as aforesaid.

*And Whereas notwithstanding the Prohibition contained in the said Act, to restrain persons Selling Spirituous Liquors by Licence in more than one Place under the same Licence, yet sundry persons have presumed to Sell Spirituous Liquors in Two Places under One and the same Licence, contrary to the Intent and meaning of the said Act: Be it therefore further Enacted That if any person or persons either by themselves or any of their Children or known or reputed Servants or Substitutes under them, directly or indirectly, shall presume to Sell any Rum, Brandy, Wine, Ale, Cyder, Perry, or other Strong Liquors, mixt or unmixt, by whatsoever Name or Names they are or may be called or distinguished, by virtue of or under pretence of Licence obtained as in the said Act directed, in any other Place than at the House or Place where such person or persons themselves shall *Bona fide*, actually, and constantly reside and dwell; upon Conviction thereof in like manner as aforesaid, such person or persons shall be subject and liable to the like*

*An Act for regulating the Proceedings of the
Courts of Judicature.*

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That hereafter all Bills of Exchange, Notes of Hand, mutual Settlements and Adjustments of Accounts, or any Agreement in Writing, wherein a certain Sum is specified and expressed, signed by the Defendant, shall have the Force and Effect of a Specialty, and the Court wherein the Defendant shall be defaulted, is hereby impowered, upon the Plaintiff or his Attorney's filing such Bill, Note, Settlement of Account, or Agreement, with the Clerk of the Court, to make up Judgment without a Jury, as hath been heretofore practised.

Cap. 3.

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And be it further enacted, That in all Actions hereafter to be brought when the Debt or Matter of Demand, shall be the Value of Three Pounds or upwards, upon affidavit in Writing being made and subscribed by the Plaintiff, before One of the Justices of the Court or before the Clerk of the said Court, from whence the Writt issues, or in Case of his or her Absence, then by his or her Attorney, Agent or Factor, setting forth that the Defendant in such Action is justly indebted to the Plaintiff in the Sum of Three Pounds or upwards, and the same being filed and the Writt marked, it shall and may be lawful for the Provost-Marshal, his Deputy, or other Person qualified to serve Writts, and they are hereby required to attach the Goods, Chattels or Estate of the Defendant or Defendants; and all Goods, Chattels or Estates taken by Attachment, shall remain under such Attachment for the Space of Thirty Days after Judgment, to satisfy any Judgment that may be obtained on such Writt or Process.

Provided, nevertheless, That where the Cause of Action sounds in Damages only, in such Case, the Oath or Affidavit shall be taken before two Judges of the Court, who shall mark the Writt for Bail accordingly.

And whereas References and Awards have contributed much to the speedy Settlement of Accounts between Merchants, Traders, and others, to their Satisfaction.

Be it enacted, That on Application made to the Court by the Parties, or their Attornies, Agents, or Factors, in any Action commenced here, that they mutually agree to leave the Matters in Difference to the Arbitration of

of indifferent Men to be chosen by each Party, in such Case the Court shall appoint a Person to be joined to the said Arbitrators, and the Judgment or Award of the ~~Arbitrators~~ shall have the full Force and Effect of a Verdict, and in their said Judgment or Award may order the Costs and Charges of the Suit of the Parties, as they shall judge equitable, and the Court is hereby empowered to make up Judgment thereon, and award Execution accordingly.

And be it further enacted, That when any Merchants, Traders or others, desire to end any Controversy, Suit, or Quarrel, by Arbitration or Award, it shall and may be lawful for any of His Majesty's Courts of Record, at any Time within the Term of such Court, to receive and order such their Submission or Agreement in Writing, being first proved on Oath, to be entered with the Conditions thereof, together with the Return of the Award and Determination of the Arbitrators; (or Umpire when so submitted) and the same being filed with the Clerk of the Court, the said Court is hereby empowered to enter the same and make up Judgment and award Execution thereon.

Provided always, That if Complaint be made to the Court, before the Entering of Judgment, that the *Referrees*, *Arbitrators*, or *Umpire* misbehaved themselves, and that such Award was unduely or corruptly procured, on Proof thereof such Award shall be void, and shall be set aside by the Court.

And be it further enacted, That no Action, wherein the Title of Lands, Tenements, or Hereditaments may be called in Question, shall be determined in any of the Manners before mentioned but that all Real Actions shall be determined by Verdict of a Jury as heretofore practised.

And be it further enacted, That when Witnesses may be judged necessary by the Parties, to clear up any of the Matters of Variance, submitted to *Reference* or *Arbitration*, the Justices of the Peace are hereby empowered to swear such Witnesses, to give their Evidence before such *Referrees* or *Arbitrators*, and they are hereby empowered to examine the same; and if any Witness, being first summoned by the said Justice, shall refuse to be sworn or attend, not having just or reasonable Cause therefor, to be allowed of by the *Arbitrators* or the Majority of them, at the Time and Place appointed by the *Referrees* or *Arbitrators*, and there give their Evidence, such Witness so failing herein, shall be liable to pay a Fine not exceeding One Hundred Pounds, to be levied by such Justice by Warrant of Distress and Sale of the Offenders Goods.

And be it further enacted, That when any Person or Persons shall be summoned to give Evidence, upon the Trial of any Issue between Party and Party, or in behalf of any Prisoner upon Trial, and such Person or Persons so summoned shall refuse or neglect to give his, her or their Attendance, at the Time and Place mentioned in the *Subpoena* or *Summons*, (not having any just or reasonable Cause therefor, to be allowed of by the Court or Justice or Justices, before whom the Trial shall be) or wilfully withdraw

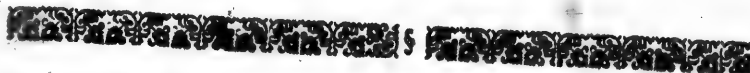
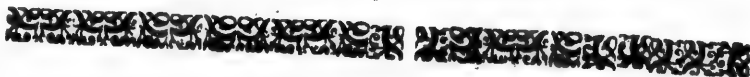
withdraw himself or herself before Sworn, or shall refuse to give his or her Evidence, in every such Case the Party so offending shall forfeit and pay, if before the Court the Sum of *One Hundred Pounds*, if before *One* or *two* Justices *Five Pounds*; to be levied by Warrant of Distress and Sale from the Court, or Justice or Justices, on the Offenders Goods and Chattels. *Provided* nevertheless, That no Person shall be obliged to give Evidence in any Cause before he or she be paid or secured his or her reasonable Charges for Attendance, to be allowed of and ordered by the Court, Justice or Justices.

And be it further enacted, That in all Actions of Account brought against any Bailiff or Factor, or other Person to whom Money or Goods have been delivered, with an Intent that the same shall be accounted for, before the *Inferior Court of Common Pleas*, or the *Supreme Court* on an Appeal, when the Defendant shall plead in his Defence any Plea that he ought not to account, it shall be tried by a Jury; and in Case the Verdict be found against him, the Court shall enter Judgment against him, *that he shall account*: And the Court are hereby impowered and directed to appoint *three* able, judicious and indifferent Men, who shall be sworn faithfully to hear, examine, and adjust the Account or Accounts, and examine any Witnesses necessary to explain the same, and also to examine the Parties on Oath, to be sworn before any Justice of the Peace in Manner aforesaid, and under the like Penalty on their Refusal: And when the Auditors shall have adjusted and settled the Accounts, on the Return thereof under their Hands or the Major Part of them, with the Ballance thereof stated, the said Court is hereby impowered to enter Judgment against thereto, and award Execution accordingly. *Provided* always, that the *Referees, Arbitrators, or Auditors*, before they proceed to examine into the Merits of any Cause submitted to them by the Court on Agreement of the Parties, or by Bonds of Submission, or Auditing of Accounts, shall give Notice under their Hands to all Parties concerned, of the Time and Place of their Meeting, at least *Three Days* before their Sitting; and if any Parties shall refuse or neglect to attend them, they shall, nevertheless, proceed to make up their Award and Determination, and Settlement of such Accounts. *Provided*, That if the Plaintiff or Defendant in such Action, his, or their Attorney, Agent or Factor, shall take Exceptions to such Report, or any Part thereof, and desire the same to be tried by a Jury, which they are hereby impowered to do, the said Court is hereby required to order a Jury to be sworn to try the same; and if upon Trial of the Issue and Judgment, either of the said Parties or their Attornies or Agent, shall not rest satisfied therewith, the said Court is hereby required to allow of an Appeal, upon being moved for.

And be it further enacted, That in all Actions sued on Book Accounts, the Defendant in such Cause may file his Account against the Plaintiff, with the Clerk of the Court, *Provided*, the same be done at least *Seven Days* before the Sitting of the Court; and the said Court is hereby impowered to proceed, on Issue joined, to enquire into the Merits of both Accounts before *One* and the same Jury, and on the Verdict of the Jury, to award Costs as they shall find, whether for the Plaintiff or Defendant; and where the Action shall be commenced on any Bond, Bill, Note, or Agreement

Agreement in Writing, the Defendant may, in like Manner file his Receipts or Discharge for Part or the Whole, according as he hath made Payment: *Provided* such Receipt or Discharge be in Writing, signed by the Plaintiff or his Attorney lawfully impowered to receive the same; and the Court is hereby impowered to proceed to examine into the Merits of the same, in the same Manner as in Book Accounts, between the Plaintiffs and Defendants, and equitably to reduce all such Bonds, Notes, Bills, and Writings Obligatory, to the just Debt, with Interest, Damages and Cost, according to the nature of such Writing, Deed, or Instrument, and the Jury are hereby impowered to give their Verdict accordingly.

And be it further enacted, That all Causes where the Sum shall not exceed *Twenty Shillings*, shall be sued for and recovered before *One Justice of the Peace*; and that all Causes where the Sum shall not exceed *Three Pounds*, shall be sued for and recovered before *Two Justices*; subject to an Appeal as heretofore hath been practised; and they are hereby impowered to award Execution returnable to him or them within *Ten Days* after the Date thereof; and if not satisfied he or they may issue out an *Alias* or *Pluries*, returnable respectively within the Term of *Ten Days* each; and all Writts issuing from such Justice or Justices, shall be made returnable at least *Seven Days* after their Dates respectively.



An Act for altering and amending several Acts of this Province, relating to the Duties of Impost upon Wines, Beer, Rum, and other distilled Spirituous Liquors.

WHEREAS notwithstanding the several Amendments, Additions, and Alterations made to the Impost Act (for the better collecting the Duties thereon granted to His Majesty) there are many Inconveniencies still remaining, for remedy whereof, and for the more effectually securing the said Duties,

Cap. 1

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof, there shall be paid by the Importers of all Wines, Beer, Rum, and other distilled Spirituous Liquors, that shall be imported into this Province from the Place of it's Growth or any Place (Except the Product or manufacture of Great Britain, or legally and directly Imported from thence) the several Rates and Duties as follows.

For every Pipe of Wine of the Western Islands	} One Pound.
For every Pipe of Canary, - - - -	One Pound Ten Shillings
For every Pipe of Madeira - - - -	Two Pounds,
For every Hoghead of other Sorts of Wine not mentioned - - - -	} Fifteen Shillings.
For every Barrel of Beer - - - -	} Two Shillings and Six Pence.
For every Gallon of Rum, or other distilled Spirituous Liquors - - - -	} Five Pence.

And be it enacted, That all the Rates, Duties, and Imposts beforementioned, shall be paid in Current Money of this Province, by the Importer of any Wines, Beer, Rum, or other distilled Spirituous Liquors, unto the Collector or Receiver, or Collectors or Receivers, for the Time being, for Entering and Receiving the same, at or before the Landing, Provide the Sum do not exceed Five Pounds, but if the Sum shall exceed Five Pounds, the Collector or Receiver, or Collectors or Receivers, is and are hereby authorised, on sufficient Security being given, to give Credit for Payment thereof, within the Term of Three Months.

And

And be it further enacted, That all Masters of Ships, coasting, and fishing Vessels, and all other Vessels whatsoever, coming into any Harbour or Port within this Province, shall before breaking Bulk, and within Twenty four Hours after his or their Arrival, make Report in Writing and upon Oath, to the Collector or Receiver or Collectors or Receivers of the Duties for the Time being, of their Cargoes, particularly of the Quantity of *Wines, Beer, Rum,* and other *distilled Spirituous Liquors*, on board the said Ship or Vessel, specifying the kinds of Casks in which the same is contained, together with the Marks and Numbers thereof, and that he has not Landed or suffered to be Landed, Sold, delivered, bartered or exchanged any *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, at any Port or Place within this Province, or on the Coast thereof, since his Sailing from the Port or Place where the same were Laden on board the said Ship or Vessel for Exportation (which Oath the Collector or Receiver or Collectors or Receivers aforesaid is and are hereby impowered to administer.

And be it also enacted, That if any *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, not duly Entered, be found on board any Ship or Vessel after Entry made, the same shall be and is hereby declared forfeited, and shall and may be seized by the Collector or Receiver or Collectors or Receivers or either of them.

And be it further enacted, That upon Information made to the Collector or Receiver or Collectors or Receivers or either of them, that any *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, do remain on board any Ship or Vessel, which have not been duly Entered; in such Case it shall and may be lawful for the said Collector or Receiver or Collectors or Receivers, or either of them, to search for and Seize all such *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, so remaining on board, not duly Entered as aforesaid.

And be it further enacted, That if any *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, shall be landed or proved to have been Landed from on board such Ship or Vessel after such Report made as aforesaid, other than such as shall have been contained and Specified in the said Report or manifest by this Act directed to be made; then and in such Case all such *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, or the Value thereof (to be Estimated at the then highest Price such Commodity shall bear at that time) shall be and are hereby declared to be forfeited, and shall and may be seized by the Collector or Receiver or Collectors or Receivers of the Duties for the time being; and if any such *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, shall be concealed whereby Seizure cannot be made of the same, the Master of such Vessel, the Owners, or Receivers, shall pay the Value thereof, agreeable to such Estimation.

And be it also further enacted, That if any *Wines, Beer, Rum,* or other *distilled Spirituous Liquors*, shall be found on board which have not been duly entered, or shall be proved to have been landed, Sold, delivered, bartered

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bartered or exchanged, contrary to the Intent and Meaning of this Act; or if any Master of any Ship or Vessel, shall refuse or neglect to yield strict Obedience to the Directions prescribed by this Act, in either of such Cases he shall on Conviction thereof by the Oath of one Credible Witness, forfeit and pay the Sum of *One hundred Pounds* Currency of this Province.

And be it enacted, That if any Person whatsoever shall knowingly be aiding or assisting in the clandestine Landing or concealing any *Wine, Beer, Rum*, or other *distilled Spirituous Liquors*, in order to avoid Payment of the Duties, to which the same are liable by this Act, he shall upon Conviction thereof, upon the Oath of *One Credible Witness*, pay the Sum of *Fifty Pounds*, or suffer *six months* Imprisonment without Bail or mainprize.

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And be it further enacted, That no *Wines, Beer, Rum*, or other *distilled Spirituous Liquors*, that by this act are liable to pay Duty, shall be landed, or delivered from on board any Ship or Vessel, or put into any Warehouse or other Place, but in the Day time only, and that after Sunrise and before Sunset, unless in the presence of and with the Consent of the Collector or Receiver or Collectors or Receivers for the Time being, on Pain of forfeiting all such *Liquors* as aforesaid, and the Lighter, Boat, or Vessel, out of which the same shall be landed or put into any Warehouse or other Place.

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And be it also further enacted, That every Merchant or other person Importing any *Wines* or *Beer*, into this Province, shall be allowed *Ten per Cent* for Leakage; *Provided* such *Wines* or *Beer* have not been filled up on board; and no Master of any Ship or Vessel shall suffer any *Wines* or *Beer* to be filled up on board, without giving a Certificate thereof to the Collector or Receiver or Collectors or Receivers aforesaid, on Pain of forfeiting *Ten Pounds*; and if it be made appear that any *Wines* or *Beer* imported in any Ship or Vessel, be decayed at the Time of Landing thereof, or in *Twenty Days* afterwards, Oath being made before the said Collector or Receiver or Collectors or Receivers, that the same have not been Land- ed above that time; the Duty paid for such *Wine* or *Beer* shall be repaid unto the Importer thereof; and that *Three per Cent* shall be allowed for Leakage, upon all *Rum* or other *Spirituous Liquors*, imported, after Gauging the same.

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And be it also enacted, That the master of any Ship or Vessel, importing any *Wines, Beer, Rum*, or other *distilled Spirituous Liquors*, as aforesaid, shall be liable to pay the Duty for so much thereof as is contained in his Report, not duly Entered, nor the Duty paid for by the Person or Persons to whom such *Wines* or other *Liquors* are or shall be consigned; and it shall and may be lawful to and for the Master of any Ship or Vessel to detain in his hands, or deliver to the Collector or Receiver or Collectors or Receivers aforesaid, for the Security of such Duty, all such *Wines*

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or other Liquors as are not Entered, which said Collector or Receiver or Collectors or Receivers or either of them are hereby impowered and directed to receive, and keep the same at the Owner's Risque, until the Duty thereof with the Charges be paid.

And be it further enacted, That if the Duty due for such *Wine* or other Liquors to put into the Custody of the said Collector or Receiver or Collectors or Receivers or either of them, shall not be paid or secured to be paid by the Owners thereof within the Term of *Three Months*, that then and in such Case the Collector or Receiver or Collectors or Receivers are hereby impowered to sell and dispose of so much of such Wines or other Liquors as shall be sufficient to pay the Duty due thereon, and also the Freight, Charges of Custody and Sale thereof.

And be it further enacted, that when any Master of any Vessel shall be prosecuted by Virtue of this Act, the Vessel in which the said *Wine, Rum*, or other *distilled Spirituous Liquors*, is Imported, shall and may be attached as Effects to the Judgment, unless the master of such Vessel shall enter into Recognizance with Sureties to the Clerk of the Court in which the action shall be brought, to answer and abide the Final Judgment in said Cause,

And be it also further enacted, That it shall be in the Power of the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to appoint *Two* proper persons as *Surveyors or Land Waiters*; for the Port of *Halifax*, before *One* of whom and in whose presence, or in Presence of the Collector or Receiver or Collectors or Receivers aforesaid or either of them, all *Wines, Beer, Rum*, or other *distilled Spirituous Liquors*, shall be Landed at the said Port: And all such *Rum* or other *Spirituous Liquors* shall be Gauged and the same shall be so landed, and the *Rum* or other *Spirituous Liquors*, so gauged within such Hours as are hereinbefore prescribed, and all *Wines, Beer, Rum*, or other *distilled Spirituous Liquors*, which shall be landed contrary to the Intent and Meaning of this Act, shall be forfeited, and shall and may be seized by such Collector or Receiver or Collectors or Receivers or either of them, or the said Surveyor or Land Waiter; which said Surveyors or Land Waiters shall have as a Salary, any Sum not exceeding *Forty Pounds* per Annum each.

And be it further enacted, That from and after the Publication hereof *Two Thirds* of the whole Duty which shall or may have been paid or secured to be paid on any *Wines*, or *Beer*, imported into this Province shall upon the same being Exported out of said Province, be repaid to the Exporter thereof.

Provided nevertheless, That if any Master of any Ship or Vessel, Merchant or Trader, shall lade any Ship or Vessel with any Kind of Merchandize, *two Thirds* of the Value of which at least, shall be the Produce or Manufacture of this Province, and shall export the same to any

of His Majesty's *West India Islands*, and Import from thence directly into this Province; any *Rum* being the Produce of said *Islands*, and purchased by the Cargo carried from this Province; on Oath of the Master of such Ship or Vessel, (which Oath the Collector or Receiver or Collectors or Receivers of the Duties or either of them are hereby authorized to administer), or other sufficient Proof, such *Rum* so purchased and Imported shall be Exempt from the Payment of the said Duty of *Five Pence per Gallon* imposed by this act.

And to prevent any Frauds which may be committed by Owners or Masters of Vessels, in purchasing Fish and Lumber, the Produce of other Provinces, and Shipping the same as the Produce of this Province.

Be it enacted, That every Owner or Master of any Ship or Vessel, who shall Ship any Merchandize the Produce of this Province, and who intends to receive the Benefit of this act, shall deliver an Invoice of his Cargo, on Oath, to the Collector or Receiver or Collectors or Receivers or either of them, before he sails, whereby it shall appear that at least *Two Thirds* in Value of the said Cargo is the Produce or Manufacture of this Province, as Certified and sworn to by the Person or Persons from whom the same is purchased.

And be it further enacted, That from and after the Publication hereof there shall be allowed on all *Rum* or other *distilled Spirituous Liquors*, which shall have been imported into this Province, on the same being Exported out of the said Province, a Drawback of the whole Duty paid or secured to be paid on said *Rum* or other *distilled Spirituous Liquors*. Except *One penny per Gallon*.

And be it further enacted, That the Drawbacks hereinbefore Expressed to be paid on *Wines, Beer, Rum*, or other *distilled Spirituous Liquors* Exported out of this Province, shall upon the same being so Exported out of this Province within *six months* from the said Importation, be paid to the Exporter thereof as usual out of the Money arising from the Duties on the Liquors aforesaid, upon the said Exporter's producing a Certificate within *Eighteen Months* after the Time of the Exportation, the Dangers of the Seas and Enemies Excepted, from the Principal Officer of His Majesty's Customs, or other proper Officer for the time being of the Port to which the same shall be carried, of it's being there duly landed; together with a Certificate from the Collector or Receiver or Collectors or Receivers of the said Duty or either of them, that the Duty thereon has been duly paid or secured to be paid, before such Exportation agreeable to the Rates prescribed by this Act; and the Collector or Receiver or Collectors or Receivers aforesaid or either of them, may take such Certificates in Payment of any Duties to be paid by the Importers of any of the Liquors aforesaid.

And

And for the better preventing Frauds herein the following Oath shall be taken for the future, by every such Exporter of any Wines, Beer, Rum, or other distilled Spirituous Liquors, which Oath the Collector or Receiver or Collectors or Collectors aforesaid or either of them, are hereby authorized to administer.

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 " have been paid, or secured to be paid as by Law is required, and that the
 " same is not intended to be fraudulently relanded into any Port or Place in
 " this Province."

And as it enacted, That if any Wines, Beer, Rum, or other distilled Spirituous Liquors, shall be fraudulently relanded into any Port or Place of this Province after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Rum, or other Liquors as aforesaid, shall have been so fraudulently relanded.

And be it further enacted, That from and after the Publication hereof, all Rum or other Spirituous Liquors, which shall have been imported into this Province, and shall have paid or secured to be paid the Duty imposed by Law, and which shall be issued for the Use of His Majesty's Navy, be deemed so far an Exportation thereof as to be intitled to a Drawback of Three pence per Gallon, to be paid as usual out of the Funds arising from the aforesaid Duty, upon the Person or Persons (issuing such Rum or other Spirituous Liquors for the use of His Majesty's Navy,) making Oath to the delivery thereof, and producing a Certificate from the Collector or Receiver or Collectors or Receivers as aforesaid, that the Duty thereon has been paid or secured to be paid; and also producing a Certificate from the Commander and other Signing Officers of such His Majesty's Ship or Ships or the Naval Store-keeper, of the Quantity and kind of such Spirituous Liquors, and that the same was actually received for His Majesty's use and no other.

And be it enacted that the Collector or Receiver or Collectors or Receivers for the time being, shall render a just Account and pay into the Hands of the Treasurer of the Province, all such Monies by him or them received in Pursuance of this Act within Thirty Days after the End of each Quarter.

And be it also further enacted that all Penalties and Forfeitures accruing or arising by this Act shall and may be recovered by Bill, Plaint, or Information in any of His Majesty's Courts of Record in this Province; And the Money arising from such Penalties and Forfeitures, after deducting the Expences of Prosecutions and all incident Charges, shall be One Half to His Majesty for the uses and Intents for which the Duties are Granted, and the other Half to him or them who shall Seize, Inform, and Sue for the same, and that all Prosecutions in pursuance of this Act, shall be commenced

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ced within the Space of *Twelve Months* from the Time of the Offence committed.

And be it also enacted, That the Monies arising from the Duties imposed by this Act shall be and are hereby appropriated for the Payment of Bounties and Premiums, and other uses as already specified and directed by the Laws of this Province, or that shall hereafter be directed by the General-Assembly thereof.

And be it further enacted, That the Collector or Receiver or Collectors or Receivers of the aforesaid Duties, and any Persons employed by or under them, shall observe this present Act, for their Rule and Guide in receiving the aforesaid Duties on all *Wine, Beer, Rum, and other distilled Spirituous Liquors*, any Law, Usage, or Custom to the contrary notwithstanding.

And be it also further Enacted, That this Act shall continue and remain in full Force, from and after the Publication hereof, untill the *Fifteenth* Day of *January One Thousand Seven Hundred and Sixty Four*, and from thence for and during the Term and Space of *Seven Years*, and until the End of the Session of the *General-Assembly* then next following.



An Act for altering and amending several Acts of this Province, relating to the Duties of Excise on *Wines, Rum, and other distilled Spirituous Liquors* sold within this Province.

WHEREAS the Methods formerly prescribed by the several Acts of this Province relating to the Duties of Excise on Rum, and other distilled Spirituous Liquors, have been found ineffectual, and that also the manner of Collecting the said Duties has been attended with great Inconveniences, for Remedy whereof.

Cap. 5.

Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the Publication of this Act, all Rum, and other distilled Spirituous Liquors whatsoever, which shall be Sold within this Province, shall be subject to pay an Excise of *Ten pence per Gallon*.

And be it also Enacted, That all Merchants or other Persons whatsoever, having in their Possession any Rum, or other distilled Spirituous Liquors, shall

shall within *four Days* after the Publication of this Act, deliver to the Collector or Receiver or Collectors or Receivers of *Excise* for the time being, an Account in Writing and upon Oath of all such *Rum* and other *distilled Spirituous Liquors* remaining in their Possession, and that all Merchants and other Persons whatsoever buying or receiving into their Possession, any *Rum* or other distilled Spirituous Liquors, shall within Twenty-four Hours after such purchase or Receipt, deliver to the Collector or Receiver or Collectors or Receivers aforesaid, an Account upon Oath, of all such *Liquors* by them so bought or received, specifying the kinds of Casks with the Marks and Numbers thereof, in which the same is contained; under the Penalty and Forfeiture of *One Hundred Pounds* for each and every offence.

And be it also further enacted, That the Distillers shall, within *Days* after the Publication of this Act, deliver to the Collector or Receiver or Collectors or Receivers aforesaid, an Account in Writing and upon Oath, of all *Rum*, or other *distilled Spirituous Liquors* remaining in their Possession; and also on the *first Day* of each and every Month or within *Three days* thereafter, shall render an Account in like manner to the Collector or Receiver or Collectors or Receivers aforesaid, of all *Rum* or other *Spirituous Liquors* by them *distilled* during the month then last past under the Penalty and Forfeiture of *One hundred Pounds* for each and every offence.

And be it enacted, That no Merchant, Distiller or other Person whatsoever, shall presume to sell, barter, exchange or deliver any *Rum*, or other *distilled Spirituous Liquors* other than to such Persons or for such Quantities as shall be expressed in a *Permit* to be granted by the Collector or Receiver or Collectors or Receivers aforesaid or either of them in the manner hereinafter mentioned, under the Penalty and Forfeiture of *One hundred Pounds*, for each and every Offence; and the said Merchant, Distiller, or other person, shall give sufficient Security to the Collector or Receiver or Collectors or Receivers aforesaid, to render a just Account upon Oath of the Disposal of all such *Liquors* now in their possession, or that shall be hereafter received or distilled by any of them, whenever thereunto required.

And be it further enacted, that the Collector or Receiver or Collectors or Receivers aforesaid or either of them shall grant *Permits gratis*, to all Retailers and others, for the several Quantities of such *Spirituous Liquors* as they shall from time to time purchase from the Merchants, Distillers, or other Person whatsoever, and shall deliver a Duplicate of such *Permit*, one to remain in the hands of the Buyer and the other to be delivered to the Seller at the time of delivery of such *Spirituous Liquors*.

And be it also further enacted, That the Collector or Receiver or Collectors or Receivers aforesaid is and are hereby impowered and directed to take and receive from the Purahaler or Purchasers of such *distilled*

distilled Spirituous Liquors as aforesaid, the Duty of *Excise* at and after the Rate aforesaid for the Number of Gallons to be expressed in the said *Permit* and Duplicate before the Delivery of the same, *provided* the Amount of the said Duty does not exceed *Five Pounds*; but if the same should exceed *Five Pounds*, the Collector or Receiver or Collectors or Receivers is and are hereby authorized, on sufficient Security being given, to give Credit for Payment thereof within the Term of *Three Months*.

Provided nevertheless, That if any Merchant, Distiller, or any other Person shall make it appear to the Collector or Receiver or Collectors or Receivers aforesaid, that the former Duty of *One Shilling and three Pence per Gallon*, or the former Duty of *One Shilling per Gallon*, on any *Rum* or other *distilled Spirituous Liquors* remaining in their Hands, has been paid or secured to be paid, that then and in such Case the Collector or Receiver or Collectors or Receivers shall deliver *Permits*, *Gratis* to any Purchaser or Purchasers of such *Spirituous Liquors*, without receiving any *Excise* on the same.

Provided always, That such *Rum* as shall be in Store, which has paid no more than *six Pence per Gallon Impost* shall pay *Nine pence per Gallon Excise*.

And be it also enacted, That all *Rum* or other *distilled Spirituous Liquors*, which shall be found in the Custody of any Person or Persons without such *Permit* as aforesaid, and which shall not have paid or secured to be paid, the Duty of *Excise* imposed by this Act, (Except the Stock in the Custody of the said Merchants, Distillers, or other persons, and which have been reported by the account herein before directed to be delivered to the Collector or Receiver or Collectors or Receivers aforesaid) shall be Seized and Forfeited, and the Person or Persons, in whose Custody the same shall be found, shall forfeit and pay the Sum of *Ten Pounds* for every such offence.

And be it further enacted, That no Merchant, or Distiller, of such *Spirituous Liquors*, or other Person whatsoever (without Licence first obtained) shall retail any *Rum* or other *distilled Spirituous Liquors*, in less Quantity than *Five Gallons*, to be delivered at one and the same time, and that the Merchant, Distiller, or any other Person whatsoever, shall preserve upon File the Duplicates of all such *Permits*, for the Inspection of the Collector or Receiver or Collectors or Receivers aforesaid or either of them, whenever thereto required, under the Penalty and Forfeiture of *Ten Pounds* for each and every offence.

And it is hereby enacted, That the Quantity contained in said *Permits* upon File in the Custody of said Merchant, Distiller, or other Person whatsoever, shall as far as they go, be sufficient to discharge him or them of so much Stock, as he or they shall have so bought, received or distilled aforesaid.

And

And be it further enacted, That the said Collector or Receiver, or Collectors or Receivers, shall make and allow *Five per Cent.* for Wastage and Leakage; and if through Accident any Part of the Stock of *Rum*, or other *distilled Spirituous Liquors*, in the Hands of any Merchant, Distiller, or other Person, shall, by Leakage or otherwise, be lost, the said Collector or Receiver or Collectors or Receivers shall on due Proof of the same on Oath, Credit the Stock of such Merchant, Distiller or other person, for the Quantity so lost.

And be it also further enacted, That all *distilled Spirituous Liquors*, brought into any Port or Place in this Province as Prize, or which shall be seized and condemned at any Time from and after the Publication of this Act, shall be subject to the Excise imposed by this Act, and any kind of Wines brought in as aforesaid, into any Port or Place in this Province, shall also pay an Excise of *Fifteen Shillings per Hoghead*, and in Proportion for a greater or lesser Quantity, and the *Marshal of the Court of Vice-Admiralty* or his Deputies, or any *Auctioneer* or *Vendue Master*, shall not deliver any such *distilled Spirituous Liquors* or Wines sold by him or them at Public Auction or otherwise, without a Permit from the Collector or Receiver or Collectors or Receivers of the Excise and shall render an Account to the Collector or Receiver or Collectors or Receivers aforesaid (upon Oath) of the Quantity of all such *distilled Spirituous Liquors* or Wines, which he or they shall sell at Public Auction or otherwise, and of the Persons Names to whom the same shall be sold, under the Penalty and Forfeiture of *Two Hundred Pounds* for each and every Offence.

And be it enacted, That the Collector or Receiver or Collectors or Receivers appointed to take Charge of this Duty of Excise, either by themselves or the Land Waiters, who shall be under their Orders, shall have Power to inspect the Houses of all such as already are, or shall hereafter be licenced, to take an Account from Time to Time, at his and their Discretion, of all *Rum* and other *distilled Spirituous Liquors*, in the Possession of such licenced Person or Persons; and all and every Person or Persons having Licence, who shall refuse to admit the Collector or Collectors aforesaid, or the Land Waiters when ordered by them, to inspect their Houses, Shops Cellars, or other Stores whatsoever, and to take an Account from Time to Time at his or their Discretion, of all *Rum* or other *distilled Spirituous Liquors* in the Possession of such Licenced person or persons, shall be subject to loose their said Licences, and shall have their Bonds for holding such Licences put in suit, the Penalty whereof in such Case, is hereby declared forfeited; and the said Collector or Collectors or the said Landwaiters by their Orders, are hereby also impowered to enter the Houses of all persons suspected of Selling without Licence, for the better discovery of persons who shall have *Rum* or other *distilled Spirituous Liquors* without a Permit, that the Offenders may be prosecuted according to Law.

And be it also enacted, That in case of reshipping and Exportation out of the Province, of any part of such *distilled Spirituous Liquors* or Wines, as are excised by this Act, the Collector or Receiver or Collectors or Receivers aforesaid, shall Credit the Stock on Hand of the Distiller, Merchant

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Merchant or other Person, for what shall *bona fide* have been so exported, upon the said Merchant, Distiller or other Persons producing a Certificate, within *Eighteen Months* after the Time of the Exportation, (the Danger of the Seas and Enemies excepted) from the principal officer of His Majesty's Customs, or commanding Officer for the Time being of the Port to which the same shall be carried, of it's being there duly landed; and in Case any such Liquors shall have duly paid or secured to be paid the Duties prescribed by this Act, such Merchant, Distiller or other person shall produce a Certificate from the Collector or Receiver or Collectors or Receivers aforesaid or either of them, that the Duty thereon has been duly paid or secured to be paid before such Exportation, upon which the same shall be repaid, or the Bond given therefor discharged.

And for the better preventing Frauds herein, the following Oath shall be taken for the Future by every such Exporter of any Rum or other distilled Spirituous Liquors, or Wines, imported or distilled, or by any Means brought into this Province as aforesaid (which Oath the Collector or Receiver or Collectors or Receivers or either of them are hereby authorized to administer.)

"**YOU A. B.** do swear, that the Quantity of
" by you shipped for Exportation on board
" Master, bound for, *was really and bona fide*
" purchased of *(imported in the)*
" and that the same is not intended to be fraudulently relanded into any
" Port or Place in this Province."

And be it enacted, that if any Rum or other distilled Spirituous Liquors or Wines shall be fraudulently relanded into any Port or Place of this Province, after shipped for Exportation, the same shall be forfeited together with the Vessel out of which the said Rum or other distilled Spirituous Liquors shall have been so fraudulently relanded.

And be it also further enacted, That in case any Quantity of such distilled Spirituous Liquors as are Excised by this Act, shall be issued for the use of His Majesty's Navy, the same shall be deemed so far an Exportation thereof, as that the Collector or Receiver or Collectors or Receivers aforesaid, shall Credit the Stock on hand of the Merchant, Distiller or other person, for so much as shall have been so issued, and in case the Duty of Excise thereon shall have been paid or secured to be paid, the same shall be repaid or the Bond given therefor discharged, on the person or persons issuing such Rum or other Spirituous Liquors, for the use of His Majesty's Navy, making Oath to the delivery thereof, and producing a Certificate from the Commander and other signing Officers of such His Majesty's Ship or Ship, the Naval-Storekeeper, of the Quantity and kind of such Spirituous Liquors, and that the same was actually received for His Majesty's use and no other.

And be it enacted, That the Collector or Receiver or Collectors or Receivers for the time being, shall render an Account and pay into the

the Hands of the Treasurer of the Province, all such Monies by him or them received in Pursuance of this Act, within *Thirty* after the End of each Quarter.

And be it enacted, That all the Penalties and Forfeitures accruing or arising by this Act, shall and may be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record in this Province, and the Money arising from such Penalties and Forfeitures, after deducting the Expences of Prosecution and all incident Charges, shall be one Half to his Majesty for the Uses and Intents for which the Duties are granted, and the other Half to him or them who shall seize, or inform and sue for the same; and that all Prosecutions in Pursuance of this Act, shall be commenced within the Space of *Twelve Months* from the Time the Offence committed.

And be it further enacted, That the Monies arising from the Duties imposed by this Act, shall be and are hereby appropriated for the Payment of Bounties and Premiums, and other Uses as already specified and directed by the Laws of this Province, or that may hereafter be directed by the General Assembly.

And it is also enacted, That this Act shall continue and remain in Force from and after the Publication thereof, until the *Fifteenth* Day of *January*, *One Thousand Seven Hundred and Sixty Four*, and from thence for and During the Term and Space of Seven Years and until the End of the Session of the General Assembly then next following.

**An Act to prevent Frauds in selling of Beef, Pork,
Flour, and Biscuit, or Ship-Bread in Casks.**

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the Publication hereof, all Casks of Beef and Pork which shall be sold, exposed to Sale, or bartered, or bargained for in any way or manner whatsoever within this Province, shall contain, if the Produce of America, not less than two Hundred and Twelve Pounds of neat Meat; and if from Ireland, not less than Two Hundred Pounds of neat Meat.

And be it also enacted, That from and after the Publication hereof all Flour, Biscuit, or Ship-Bread, that shall be sold, bartered, or exchanged within this Province, shall be so sold, bartered or exchanged by Weight only, and in no other Way or Manner whatsoever.

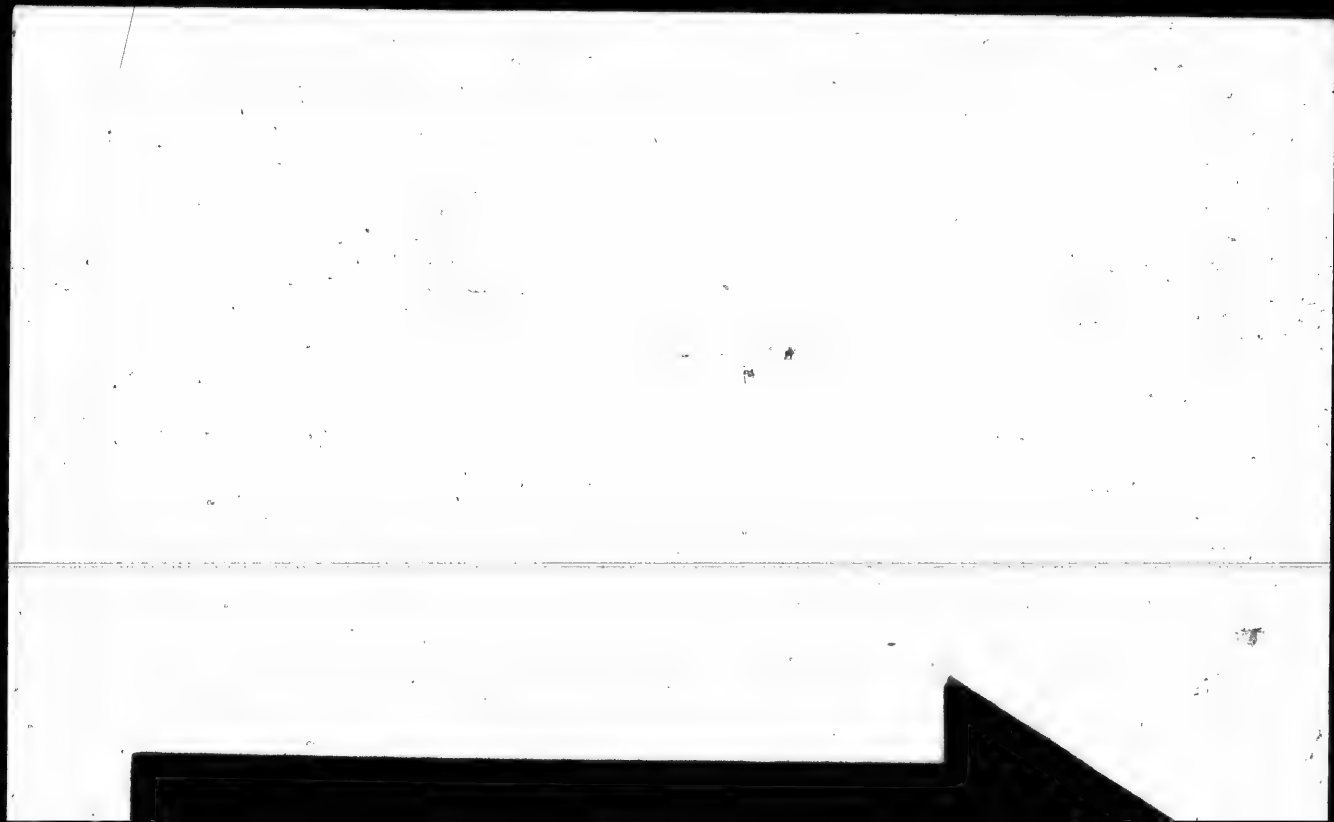
And be it further enacted, That no Person or Persons whatsoever shall hereafter presume to sell, barter or exchange, any Flour, Biscuit or Ship-Bread, by the Cask, or in any other Manner whatsoever, other than by Weight as above directed, on Pain of forfeiting all such Flour, Biscuit, or Ship-Bread, so sold, bartered or exchanged contrary to the Intent and Meaning of this Act: And every Person or Persons offending herein and being convicted thereof, shall also further forfeit and pay the Sum of Twenty Shillings for every Hundred Weight, and so in Proportion for a greater or less Quantity of such Flour, Biscuit, or Ship-Bread, so sold, bartered or exchanged; to be recovered, together with Costs of Prosecution, on the Oath of One credible Witness, before any two of His Majesty's Justices of the Peace for the County where the Offence shall be committed.

And be it further enacted, That all Forfeitures and Penalties incurred and arising by this Act shall be applied and disposed of in Manner following, that is to say; all Flour, Biscuit or Ship Bread, which shall be forfeited by Virtue of this Act, shall be applied to the Use of the Poor of the Town or Place where the Offence shall be committed; and all and every other Penalties incurred by this Act, shall be applied to the use of the Person or Persons who shall inform and sue for the same.

Provided always, That all Prosecutions to be brought by Virtue of this Act, shall be commenced within Ten Days after the Offence committed.

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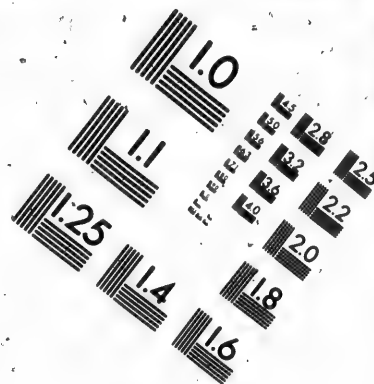
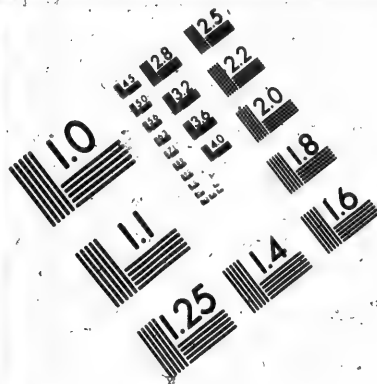
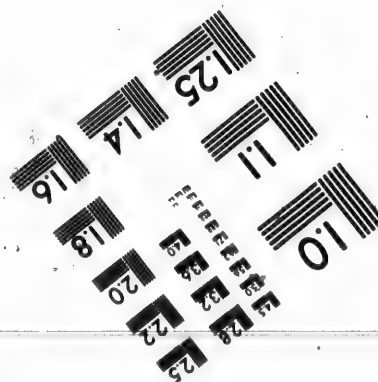
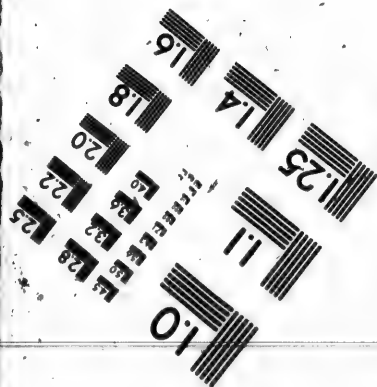
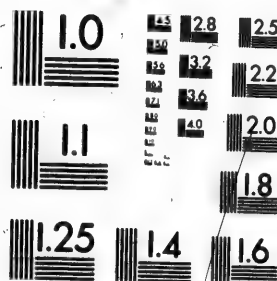


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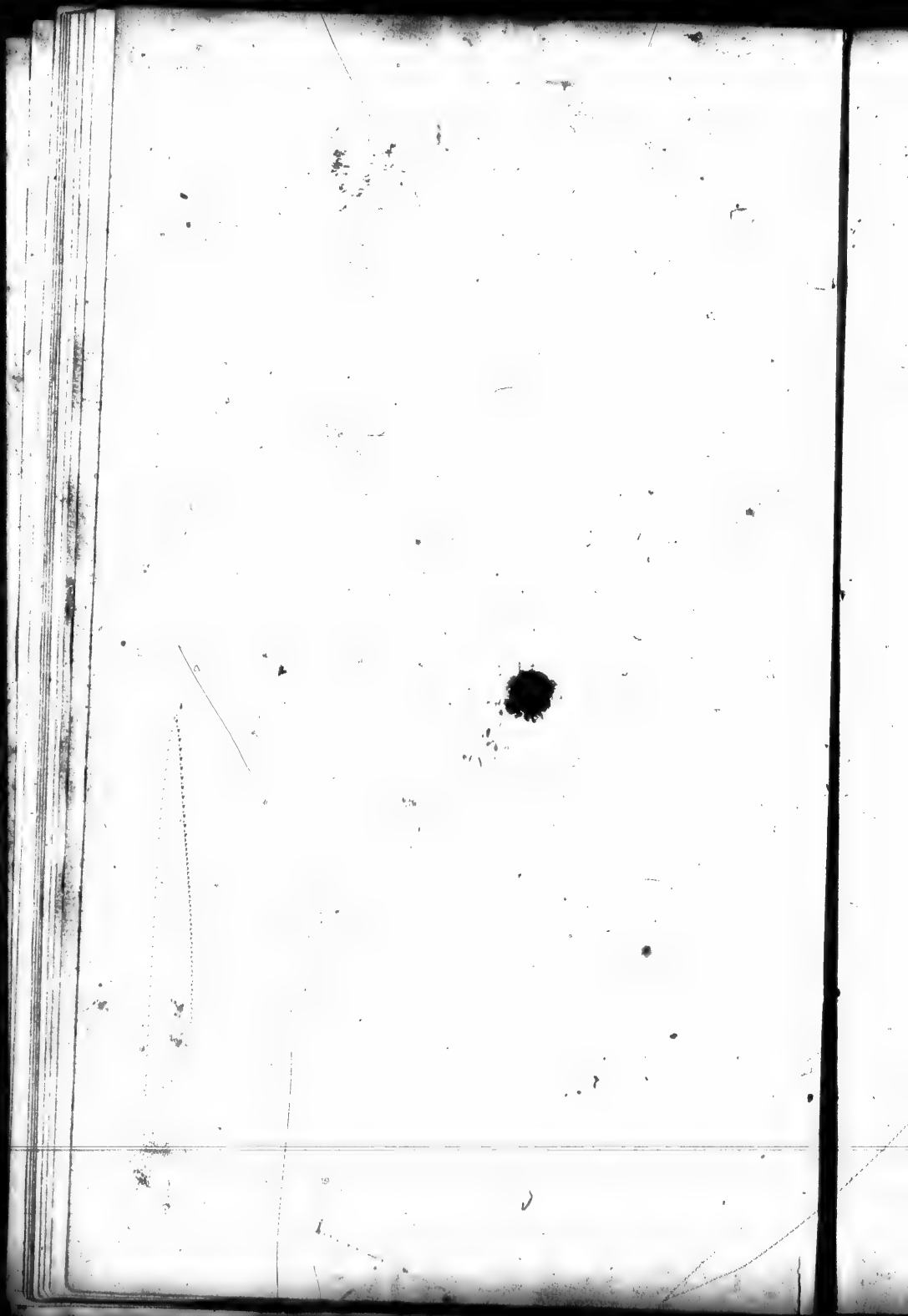
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(1)
At the GENERAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun
and holden at *Halifax*, on Wed-
nesday the *First* Day of *July* 1761,
in the *First* Year of His Majesty's
Reign, and there continued by se-
veral Prorogations until wednesday
the 19th Day of *October*, 1763, in
the *third* Year of His Majesty's
Reign. *364*

An Act in Addition to, and Amendment of an
Act, intituled, *An Act for the appointing Com-
missioners of Sewers, made and pass'd in the
34th Year of His late Majesty's Reign.*

HERE AS it has been represented, that the Commissioners of
Sewers appointed by an Act, intituled, *An Act for the appointing
Commissioners of Sewers, made and pass'd in the 34th Year
of His late Majesty's Reign, are not sufficiently empowered
by the said Act to recover from the several Persons neglecting or
refusing to make Payment of his, her, or their Parts, or Proportions of the
Sums let, and assessed by the said Commissioners, for the repairing or making
the Dykes and Drains, necessary for the Preservation of the Lands
thereby rendered profitable.* *Cap.*

Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That upon Complaint being made on Oath, before any one of His Majesty's Justices of the Peace for the County, where such Complaint lies, by the Collector or Collectors appointed by the Commissioners of Sewers, for the Collecting or gathering the Assessments made by the said Commissioners, the said Justice upon such Complaint, is hereby Impowered and authorized, to grant a Warrant under his Hand and Seal directed to any one of the Constables for the said County, to Levy off and from the goods and Chattels of such Person or Persons so neglecting or refusing to pay his, her, or their Part, or Proportion of such Assessment, by Distress and Sale of the said Goods and Chattels, the full Sum so assessed with Costs for prosecuting the same, which Costs shall not exceed the Sum of Five Shillings, and for want of Goods and Chattels, to apprehend the Bodies of all such delinquents, and Commit them to safe Custody, till full Satisfaction and Payment be made as aforesaid.

And be it further enacted, That if any Proprietor or Proprietors of the Lands so dyked in, or drained, are absent, and no Person appearing in their Behalf, and have not any Goods or Chattels to answer his, her, or their Dividend or Proportion of such Assessment, made as aforesaid, it shall and may be Lawful for any one of his Majesty's Justices of the Peace for the County, where such Lands lie, to let out any Part of such Delinquents Lands, that may be Sufficient to pay by the Produce of the same, any such Dividend or Proportion of the Sum so due.

Published according to Law, the 28th Day of November 1763.

~~THE ACTS OF THE LEGISLATURE OF THE PROVINCE OF NEW BRUNSWICK~~

An ACT to prevent Nuisances, by Hedges, Weirs, and other Incumbrances, Obstructing the Passage of Fish in the Rivers in this Province.

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to sec. 3.

HEREAS the erecting or setting up Hedges, Weirs, Fish-garths or other Incumbrances, or placing Sines across any River to stop, obstruct, or straiten the natural Course and Passage of Fish in their Seasons for spawning, must be very detrimental, and may entirely destroy the Salmon, Bass, Shad, Ailwive, and Gaspero Fishery; which the new Settlers in general depend on, in a great Measure for their Subsistence; Therefore in order to preserve that Valuable Support to the Inhabitants of this Province,

Be it enacted, by the Lieutenant Governor, Council, and Assembly, That

That the Justices in their *First General Quarter Session* held in each County, annually, shall and are hereby empowered and directed to make Rules and Orders for the Regulation of the River Fishery in their respective Counties, as they from time to time shall find necessary for the Preservation thereof.

And it is hereby enacted, That if any Person or Persons shall presume to erect or set up any *Hedge, Wear, Fishgarth*, or other *Incumbrance*, or Place any *Seine* or *Leins* across any River in this Province, contrary to the Rules and Regulations so fixed on, and established by the Justices in their said *General Quarter Session*, *Annually*, such Person or Persons shall, upon due Conviction thereof, forfeit and pay the Sum of *ten Pounds*, one half of which shall be for the Informer, and the other half for the Poor of the Township, where the Offence shall be committed, to be recovered by *Action, Bill, Plaint, or Information* in any of His Majesty's Courts of Record,

This Act to continue, and be in force for the Space of *two Years*, from the Publication hereof, and until the End of the Session then next following.

Published according to Law, the 28th Day of *November* 1763.



An Act in Addition to an Act intitled, an Act for altering and amending several Acts of this Province Relating to the Duties of Excise, on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province.

HEREAS by the above-mentioned Act, intitled, an Act for altering and amending several Acts of this Province, Relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province, made and passed in the third Year of His Majesty's Reign, it is enacted " That no Merchant or Distiller of Spirituous Liquors, or other Person whatsoever (without Licence first obtained) shall Retail any Rum, or other distilled Spirituous Liquors, in less Quantity

Lap.

"Quantity than five Gallons, to be delivered at one and the same Time,
 "and that the Merchant, Distiller, or any other Person whatsoever,
 "shall preserve upon file the Duplicates of all such Permits for the in-
 "spection of the Collector or Receiver, or Collectors or Receivers, or ei-
 "ther of them, whenever thereto required, under the Penalty and For-
 "feiture of ten Pounds for each and every Offence, and that the Quan-
 "tity contained in the said Permits upon file in the Custody of the
 "said Merchant, Distiller, or other Person whatsoever, shall as far as
 "they go, be sufficient to discharge him or them, of so much Stock,
 "as he or they shall have to bought, received or distilled as aforesaid.

are
 And whereas there ~~is~~^{are} precise Periods appointed by the said Act, for
 settling the Stock accounts with the Merchants or other Persons, who enter
 Stock with the Collectors or Receivers in obedience to the said Act; and that
 no Provision is thereby made for obliging the Persons who have Stock to pay an
 Excise on what may be found deficient upon Balancing the said Stock Ac-
 counts.

Be it therefore enacted, by the Lieutenant Governor, Council and As-
 sembly, That all Persons entering Stock as aforesaid, with the Collector
 or Receiver, or Collectors or Receivers of the Duties, shall at the end of
 each Quarter, Ballance, and settle their Stock Accounts, with the said
 Collectors at their Office.

And be it further enacted, That the Publick Sworn Gaugers, shall
 have Power to gauge the Whole of the Stock in the Cellars or Store-
 houses, of all Persons entering such Stock, previous to the Balancing
 and settling the said Stock Accounts at the End of each Quarter, and the Cer-
 tificate of the said Gaugers of the Quantity in Store unfold with the Per-
 mits, that have been filed according to Law, shall serve as Vouchers for
 the Settlement of all such Stock Accounts,

And be it also further enacted, That all Merchants or other Persons
 entering Stock as aforesaid, shall Account with and Pay to the Collector
 or Receiver or Collectors or Receivers aforesaid, or either of them, the
 Duty of Excise appointed by Law for whatever Quantity of Excisea-
 ble Liquors shall be found deficient at the time of making such Settle-
 ments, and that under the Penalty of ten Pounds for each and every Of-
 fence, to be sued for, Recovered, and applied in the like manner as the
 other Penalties are recoverable, and applied by the Act afore recited.

Published according to Law the 28th Day of November 1763.





An Act For Laying a Duty on Billiard Tables, and Shuffle Boards.

IN Order to prevent the increase of Billiard Tables, and Shuffle Boards within this Province; We do hereby Grant unto His Most Excellent Majesty, His Heirs, and Successors, the Duty herein after mention'd, to be applied towards defraying the Expences of Opening, and Repairing the Roads within this Province.

Be it therefore Enacted, By the Lieutenant Governor, Council, and Assembly, that after Ten Days from the Publication of this Act, no Person or Persons shall presume to set up, or keep any Billiard Table, or Shuffle Board within this Province; unless a Licence for that Purpose be first obtain'd from the Governor, Lieutenant Governor, or Commander in Chief for the Time being; which Licence shall be Renewed from Year to Year.

And be it further Enacted, That every Person Licensed as aforesaid, to keep a Billiard Table, or Shuffle Board, shall pay into the Hands of the Clerk of the Licences, the Sum of Ten Pounds per Annum, to be Collected and paid in Quarterly, Three Months in Advance; and if they shall Refuse, or Neglect to pay the same as aforesaid, within Fourteen Days after the said Quarterly Payment shall become due, upon Complaint thereof by the Clerk of the Licences, to any Two of His Majesty's Justices of the Peace, the same shall be levied by Warrant of Distress and Sale of the Delinquents Goods and Chattels.

And be it also further enacted, That if any Person shall Presume to set up or keep any Billiard Table, or Shuffle Board as aforesaid, without having first obtain'd a Licence for that Purpose, such Person shall forfeit, and Pay the Sum of Twenty Pounds, to be recovered by Bill, Plaint, or Information, upon the Oath of One Credible Witness, in any of His Majesty's Courts of Record within this Province; One Moiety to be for the use of His Majesty, to be applied for the Purposes aforesaid, and the other Moiety to the Informer, or Prosecutor thereof.

And be it Enacted, That this Act shall continue and remain in full Force, for and during the space of Two Years, from and after the Publication hereof; and until the End of the First Session of the General Assembly, then next following.

Published according to Law, the 28th Day of November 1763.

Cap. 4.

Enip.

2 Nov. 1763
28. Nov. 1763
Continued
to Act. 3



An Act to Enable Proprietors of Lands, to Assess and Discharge the Expence, which has Accrued upon Dividing their Lands, by Virtue of a Former Law of this Province.

Cap. 5.

HEREAS by an Act of this Province, Intituled, *An Act to enable Proprietors to divide their Lands, held in Common and Undivided*, Sundry Proprietors of Lands within this Province, have Proceeded to a Division under the Sanction of the aforesaid Act, which has since been Repealed; and whereas Considerable Expence has attended the making such Division.

Be it Enacted, by the Lieutenant Governor, Council, and Assembly, That all Persons, Proprietors of Lands within this Province, who by Virtue of an Act, Intituled, An Act to Enable Proprietors to Divide their Lands, held in Common and Undivided, have heretofore by a Majority of the Proprietors, agreed upon, and divided their Lands, under the Sanction, and agreeable to the Directions of the said recited Act; each and every such Proprietor, shall pay their dividend or proportional Part of all such Expence, as may have arisen from the making such Division.

And be it further Enacted, That all Accounts of Expences Incurr'd for the Services aforesaid, shall before Payment, be laid before the Justices of the Peace for each County, in their Quarter Sessions; who are hereby Impowered to appoint proper Persons, to audit said Accounts, and to make a dividend to each Right or Share of Land in such Propriety, in just and equal Proportion; which dividend or Proportion, when approved of by the said Court of Quarter Sessions, shall be paid by each Proprietor or Person in possession of such Lands, to the Person or Persons to be appointed by the Propriety to receive the same; and if any Proprietor or other Person in possession of any Right, or Share of Land, divided as aforesaid, shall Refuse or Neglect to pay His, Her, or their respective Dividend, or Proportion as aforesaid, it shall and may be Lawful, on Complaint of such Receiver appointed as aforesaid, for any one of His Majesty's Justices of the Peace, to issue a Warrant of Distress and Sale of the Delinquents Goods and Chattels, for the Recovery of the same, with the Charges of Prosecution.

And be it further Enacted, That if any proprietors of Lands, divided as aforesaid, be absent, and no Person appearing in their Behalf, or shall be present

present, and have not any Goods or Chattels, to answer His, Her, or their dividend, or Proportion of Expences as aforesaid, it shall and may be lawful, for any one of His Majesty's Justices of the Peace, residing in the Township where such Lands lie, to let out any Part of such Delinquent Land, that may be sufficient to pay, by the produce of the same, any such Dividend or Proportion then due.

Provided always, That if any Person or Persons, shall think themselves aggrieved by any Justice of the Peace, concerning the letting their Lands as aforesaid, any Person or Persons may complain to the Justices of the County in their *Quarter Sessions*, who are hereby empowered to hear, and determine all such Complaints.

Published according to Law, the 28th Day of November 1763.

AN ACT FOR SUPPRESSING UNLICENSED HOUSES, AND FOR GRANTING TO HIS MAJESTY A DUTY ON PERSONS HEREAFTER TO BE LICENSED.

AN ACT FOR SUPPRESSING UNLICENSED HOUSES, AND FOR GRANTING TO HIS MAJESTY A DUTY ON PERSONS HEREAFTER TO BE LICENSED.

*Cap. 6.
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1763*

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the publication hereof, if any Person or Persons whatsoever, within this Province, either by themselves, or their Wives, or any of their Children, or known or reputed Servants, or substitutes under them, directly or indirectly, in any House, Shop, Warehouse, Storehouse, or other place whatsoever, belonging to the Father or Mother of such Child or Children, or to the known or reputed Master or Mistress of such Servant or substitute, shall Sell, Barter or Exchange, or deliver upon Credit, any Rum, Brandy, Wine, Ale, Cyder, Perry, or other strong Liquors, mixt or unmixt, by whatsoever Name or Names, they are or may be called or distinguished, without License first had and obtained for that purpose, in manner and form as herein after directed; whether such Wife, Child, Children, Servant, or Substitute so sold, Bartered or Exchanged, or delivered the same, or not, by the Commandment of such Father, Mother, Matter, or Mistress; or shall Hawk, Sell, or expose to Sale, Barter or Exchange, or deliver upon Credit, any such Liquors, mixt or unmixt, by whatever Name or Names they are or may be called or distinguished, about the Streets, Wharves, Highways, Lanes, or Suburbs of the Town of Halifax, or any Town or Place whatsoever within this Province, in any manner whatsoever; or upon the Water, in any Ship, Boat, or Vessel, or in any other manner whatsoever; or shall deliver upon Credit, or Sell, or Barter, or Exchange, or Expose the same to sale on any

any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on, or in any other place or places, the Father or Mother of such Child or Children, the reputed Master, or Mistress of such Servants or Substitutes shall forfeit for every Offence the Sum of *Ten Pounds* Currency of this Province; and it shall and may be lawful for any one Justice of the Peace within this Province, on his own View, or on Confession of the Party, or by Proof on the Oath of one credible Witness, to convict any Person or Persons so offending, and the Person or Persons so convicted; shall immediately on such and every other like Conviction, pay the Sum of *Ten Pounds*, into the Hands of such Justice; and on such Offender or Offenders refusing or neglecting to pay the said Sum, together with the Charges of Prosecution, it shall and may be lawful for such Justice, to issue a Warrant under his Hand and Seal, for the levying the same by Distress and Sale of the Offenders Goods and Chattels; and if no sufficient Distress can be found, then the said Justice shall by Warrant under his Hand and Seal, commit the offender or offenders to His Majesty's Goal, within the County where the offence shall be committed, there to remain in close Confinement for the space of *Three Months*; or until He, or She, shall have fully paid and satisfied the said Fine and Charges as aforesaid.

And be it further enacted, That any Person having Licence, to sell any *Spirituuous Liquors, Wine, Ale, Beer, Cyder, or Perry*, shall within *Ten Days* after obtaining such Licence, hang out a Sign or Inscription, with their Names thereon; setting forth, that *Spirituuous Liquors* are there to be sold by Licence, on pain of Forfeiting *Five Pounds*, for each and every such Neglect.

Person or
And be it also further enacted, That if any Person, not having obtain'd Licence therefor, shall presume to hang out, or suffer to remain, any Sign or any Inscription whatsoever, importing, that *Rum*, or other distilled *Spirituuous Liquors, Wine, Ale, Beer, Cyder, or Perry*, are there sold, otherwise than by whole sale; upon proof thereof in manner and form herein described, such Person shall be subject, and Liable to the like Penalties and forfeitures, as Persons convicted, of selling *Spirituuous Liquors* without Licence.

or Persons
And be it enacted, That if any Person, either by themselves, or their Wives, or any of their Children or known or Reputed Servants or Substitutes under them, directly or indirectly, shall Presume to sell any *Rum, Brandy, Wine, Ale, Cyder, Perry, or other strong Liquors*, mixt or unmixt, by whatsoever Name or Names, they are or may be called or distinguished, by virtue of, or under pretence of Licence obtain'd, as in this Act is directed, in any other place than at the House or place where such Person or Persons themselves shall, *Bona fide*, actually and constantly reside and dwell, upon conviction thereof, such Person or Persons shall be subject and liable to the like pains and penalties, as Persons convicted of Selling *Spirituuous Liquors* without Licence, and the same shall and may be Prosecuted for, paid, levied, and dispos'd of in like manner as is directed by this Act.

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Provided always, That it shall be in the Power of the Governor, Lieutenant Governor, or Commander in Chief for the time being, to grant Licences Gratis, as an encouragement to any Person or Persons keeping Houses of Entertainment on the Public Roads, for the Accommodation of Travellers.

Provided, That nothing in this Act contain'd shall extend, or be construed to extend, to prevent or debar any Merchant, Shopkeeper, or other Person not Licenced to Retail Rum or other distilled *Spirituous Liquors, Wine, Ale, Beer, Cyder or Perry*, from selling any Quantity of such Liquors, not less than Five Gallons, delivered at one and the same time.

And be it Enacted, That from and after the Publication of this Act, the Clerk of the Licences, shall be, and is hereby impowered and required, to make diligent Enquiry after and prosecute any Person or Persons, who shall presume to retail any kind of Spirituous Liquors, contrary to the Intent and meaning of this Act, or that shall offend in any of the particulars therein contain'd.

And Whereas the opening a Communication through the Province by making High Ways, Roads and Bridges, and keeping the same in Repair, are highly necessary; We do therefore Grant unto His Most Excellent Majesty, His Heirs, and Successors, the Duties hereafter Specified, for the purposes here in mention'd.

Be it therefore enacted, That from and after the First Day of January, which will be in the Year of Our Lord, One Thousand Seven Hundred and Sixtyfour, there shall be paid by every Person, who shall have Licence to Retail *Wine, Beer, Ale, Cyder or Perry, Rum*, or other distilled Spirituous Liquors within the Peninsula of *Halifax*, the old districts of *Annapolis-Royal*, and *Fort Cumberland* to the Clerk of the Licences, over and above his customary Fees, for making out Licences and taking Bonds, the Sum of *Eight Pounds per annum*, to be paid quarterly, *Three Months in Advance*; and that there shall be paid by every Person, who shall obtain Licence in every other Town and Place within the Province, *Five Pounds per Annum*, to be paid quarterly and in Advance as aforesaid.

And, for the better securing the Payment of the Duties imposed by this Act, Be it enacted, That no Person shall be intitled to receive a Licence as aforesaid, without first giving Bond with one sufficient surety to the acceptance of the Clerk of the Licences, in the sum of *Twenty Pounds*, That he, she, or they, shall well and truly Comply with, and yield Obedience to the Laws of this Province already made, or to be hereafter made, in relation to Persons Licenced to sell Liquors; and shall keep and maintain good order in the said Tavern or House of Public Entertainment; and shall not suffer the using any unlawfull Games therein; and shall duly pay into the Hands of the Clerk of the Licences, his, her, or their quarterly Payment, within *Ten Days* after such Payment shall become due, as aforesaid.

And

Provided

And be it further enacted, That all the Monies arising from the conviction of any Person or Persons for the Breach of any part of this Act, shall after deducting the charges of Prosecution, be paid by the Justice before whom the same shall be recovered, two third parts to the Person or Persons who shall inform and sue for the same, and the remaining One Third part to the Clerk of the Licences, and to be by him accounted for at the Treasury, with the Duties he receives in virtue of this Act.

And be it enacted, That when an Information shall be made against any Person or Persons offending against this Act, and any Person or Persons shall be Summoned to give Evidence relative thereto, and that such Person or Persons so Summoned, shall Neglect, or Refuse, to give his, or her Attendance at the time and place mentioned in the Summons, not having any just or reasonable cause therefor, to be allowed of by the Justice before whom such Information shall be made; or wilfully with-law himself, or herself before sworn; or shall wilfully refuse to be sworn, or shall refuse to give his, or her Evidence; in every such case the Party so offending, shall forfeit and pay the sum of *Five Pounds*, to be levied by Warrant of distress and sale, from the said Justice, on the offenders Goods and Chats, and to be applied to the use of the Poor of the Town, where such offence shall be committed, and to be paid by such Justice to the Overseers of the Poor of the said Town; and for want of such distress, such Person or Persons shall be committed to Goal, there to remain for the space of *One Month*, or until the said sum of *Five Pounds* shall be paid,

Provided nevertheless, That no Person shall be obliged to give Evidence, on any Information, before such Person be paid or secured their reasonable Charges for Attendance, to be allowed of, and Ordered by such Justice.

And be it further enacted, That the Money arising from the Duties to be paid by every Retailer of *Wines, Beer, Rum or other distilled Spirituous Liquors*, on their obtaining a Licence for that purpose, and also the Fines incurred by this Act, shall be forthwith paid by the Clerk of the Licences, after deducting *five per Cent* for his Trouble, into the Hands of the Treasurer of the Province; which Money is hereby appropriated to, and for the making, opening and repairing the publick Roads through the Province; and that such making, opening and repairing, shall be under the direction of the Governor, Lieutenant Governor, or Commander in Chief of this Province.

And be it also further enacted, That all Licences granted by virtue of this Act, shall not continue, or be in Force for a longer Time, than *One Year* after their dates respectively; and any Person or Persons, who shall continue to sell for a longer Time without taking out a new Licence, such Person or Persons, shall be deemed as selling without Licence, and shall forfeit and pay the sum of *Ten Pounds*, for each offence, to be sued for and recovered as herein before directed, and to be appropriated as aforesaid.

And

And be it enacted, That all Licences granted before the Publication of this Act, shall continue and be in force until the *Thirty First Day of December* next, and no longer; and the Person or Persons who shall neglect to pay due obedience to this Act, and continue to sell without taking out new Licences and giving Bond, as herein directed, shall forfeit and pay the sum of *Ten Pounds*, for each and every offence, to be recovered and appropriated as herein before directed.

And be it further enacted, That when any Person or Persons Licensed, shall Neglect, or Refuse, to pay to the Clerk of the Licenses the Money due by him, or them, in virtue of this or any former Act, the same may be recovered upon complaint of the said Clerk, by Bill, Plaint, or Information in any of His Majesty's Courts of Record in this Province, if above the sum of *Three Pounds*, or before any Two of His Majesty's Justices of the Peace, if the sum be under *Three Pounds*.

And be it enacted, That this Act shall continue and be in Force for *Two Years* from and after the *First Day of January One Thousand Seven Hundred and Sixty Four*; and until the End of the Session of the *General Assembly* then next following.

Published according to Law, the 28th Day of November 1763.



An Act for reviving an Act, made and pass'd in the *Thirty Third Year* of His late Majesty's Reign, Intituled *an Act, for further Prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly, in the Thirty Second Year of His Majesty's Reign.*

HEREAS the Resolution, or Act of the Governor, and Council, intitled *an Act*, That foreign Debts should not be pleadable in this Province, unless for Goods imported into the Province; made the *Second Day of February, One Thousand Seven Hundred and Forty Nine*; and amended and continued by a Resolution or Act, made the *Fourteenth Day January, One Thousand Seven hundred and Fifty One*; was confirm'd, and continued for *Two Years*

*Cap. 7
Temp.
Thos. Geo.*



An Act for Granting to His Majesty a Duty of Impost, on Loaf Sugar, Bricks, and Lumber.

WHEREAS the several Acts for laying Duties of Impost and Excise, on Wines, Beer, Rum, and other distilled Spirituous Liquors, have been found insufficient to answer the purposes intended.

We do hereby Grant unto His Most Excellent Majesty, His Heirs, and Successors, for the uses herein after mentioned, the Several Rates, Duties, and Imposts, following.

Be it therefore enacted, By the Lieutenant Governor, Council, and Assembly, That from and after the Publication of this Act, there shall be paid by the Importer scilicet upon all Loaf-sugar, and Bricks, imported into this Province, (except the produce and manufacture of Great-Britain, and legally, and directly imported from thence) and upon all Boards, Shingles, and Clap-Boards, imported from any of the Colonies into the Port of Halifax, the several Rates and Duties hereafter mentioned, viz:

For every Pound of Loaf Sugar Imported into this Province, *One Penny*.

For every Thousand of Bricks so Imported, *Five Shillings*.

For every Thousand Feet of Boards Imported into the Port of Halifax, *Five Shillings*.

For every Thousand Shingles so Imported, *One Shilling and Three Pence*.

For every Thousand Clapboards so Imported, *Five Shillings*.

And be it enacted, That all the Rates, Duties and Imposts before-mentioned, shall be paid by the Importers of all, Loaf Sugar, Bricks, Boards, Shingles, and Clap-Boards imported as aforesaid, unto the Collector or Receiver, or Collectors or Receivers, of the Duties for the Time being, at or before the Landing thereof, Provided the Sum do not exceed *Five Pounds*, but if the Sum shall exceed *Five Pounds*, the Collector or Receiver or Collectors or Receivers aforesaid, is and are hereby authorized, on sufficient Security being given, to give credit for Payment thereof within the term of *Three Months*.

Be it also enacted, That all Masters of Ships, Coasting and Fishing Vessels, and all other Vessels whatsoever, coming into any Harbour or Port within this Province, shall before breaking bulk and within *Twenty Four Hours* after his, or their arrival, make Report in writing and upon Oath to the Collector or Receiver, or Collectors or Receivers of said Duties, of all Such Loaf Sugar, Boards, Shingles, Clap-Boards, and Bricks, on board said Ship or Vessel, and that he or they have not Landed, sold, delivered, bargained, or exchanged

Cap. 8.

Temp.

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exchanged, any Loaf Sugar, Boards, Shingles, Clap-Boards, or Bricks, at any Port or Place within this Province, or on the Coasts thereof, since his or their Sailing from the Port or Place, where the same was laden on board the said Ship or Vessel for Exportation; which oath the Collector or Receiver, or Collectors or Receivers aforesaid, are hereby impower'd to Administer.

And be it also further enacted, That if any Loaf Sugar, Boards, Shingles, Clapboards, or Bricks, shall be landed, or proved to have been landed, from on board such Ship or Vessel, after such Report made as aforesaid, other than such as shall have been contained and specified in the said Report, then and in such case, all such Loaf Sugar, Boards, Shingles, Clap-Boards, and Bricks, shall be and are hereby declared forfeited, and shall and may be Seized by the Collector or Receiver, or Collectors or Receivers aforesaid; and if any such Loaf Sugar, Boards, Shingles, Clap-Boards, and Bricks, shall be concealed, where by Seizure cannot be made of the same, the Master of such Vessel, the Owners or Receivers, shall pay the Value thereof to be Estimated at the highest Price, such commodity will bear at that time.

And be it enacted, That if the Master of any Ship or Vessel, shall Refuse or Neglect to yield strict Obedience to the Directions prescribed by this Act; in either such Cases, he shall on Conviction thereof by the Oath of one credible Witness, forfeit and pay the Sum of Fifty Pounds.

And be it also enacted, That if any Person or Persons whatsoever, shall knowingly be aiding or assisting in the clandestine landing, or concealing, any Loaf Sugar, Boards, Shingles, Clap-Boards, or Bricks, in order to avoid payment of the Duties, to which the same are liable by Law, such Person or Persons shall upon conviction thereof, upon the Oath of one credible Witness, forfeit and pay the sum of thirty Pounds, or suffer six Months Imprisonment, without Bail or Mainprize.

And be it also further enacted, That no Loaf Sugar, Boards, Shingles, Clap-Boards, or Bricks, that by this Act are liable to pay Duty, shall be landed on any Wharf, or put into any Warehouse, or other place, but in the Day Time only, and that after sun rise, and before sun set, and in the presence of the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, or of One of the Land Waiters, on Pain of forfeiting all such Loaf Sugar, and Bricks, Boards, Shingles, and Clap-Boards.

And be it enacted, That the Master of any Ship or Vessel, importing any Loaf Sugar, Boards, Shingles, Clap-Boards, or Bricks as aforesaid, shall be liable to pay the Duty for so much thereof as is contained in his Report, not duly entered nor the Duty paid for, by the Person or Persons to whom such Loaf Sugar, Boards, Shingles, Clap-Boards, and Bricks, are or shall be consigned; and it shall and may be lawfull to and for any Master, of any Ship or Vessel, to detain in his Hands, or deliver to the Collector or Receiver, or Collectors or Receivers aforesaid, for the Security of such duty, all such Loaf Sugar, Boards, Shingles, Clap-Boards and Bricks, as are not duly Entered, which said Collector or Receiver, or Collectors

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or Receivers, or either of them, are hereby directed and impowered to receive and keep the same, at the Owners risque, until the Duties thereof with the Charges be paid.

And be it also enacted, That the Collector or Receiver, or Collectors or Receivers of the aforesaid Duties, shall be and are hereby impower'd to make Seizure of any Ship or Vessel, wherein, or from which, such Loaf Sugar, Boards, Shingles Clapboards, or Bricks, shall be imported, or shall have been sold, delivered, bartered, or exchange'd, contrary to the Intent and meaning of this Act, or the Master whereof shall neglect, or refuse to make due entry of the whole Quantity of such Loaf Sugar, Boards, Shingles, Clapboards, and Bricks, imported in such Ship or Vessel, or who shall neglect or refuse to yield strict Obedience to the Directions thereof, and to detain such Ship or Vessel, until Judgment be given in any process to be commenced and Prosecuted as herein after directed, for any of the aforesaid Forfeitures or Penalties, to the intent, that if Judgment be rendered for the Prosecutor or Informer, such Ship or Vessel with her Tackle, Apparel, and Furniture, or any part thereof, may be exposed to Sale by Order of the Court, for Satisfaction thereof, and the Surplus Money if any be, to be paid to the Owner or Master of such Ship or Vessel.

And be it also further enacted, That from and after the Publication hereof, there shall be allowed on all Loaf Sugar, Boards, Shingles, Clapboards, and Bricks, which shall have been imported into this Province, (and for which the Duties herein specified, shall have been paid or secured to be paid) upon the same being exported out of the Province, a Drawback of the whole Duty so paid, or secured to be paid. Provided always, that the Exporters shall be subject and liable, to observe and follow the rules prescribed by an Act of this Province, made and passed in the Third Year of His Majesty's Reign, Intituled an Act for altering and amending several Acts of this Province, relating to the Duties of Impest on Wines, Beer, Rum, and other Distilled Spirituous Liquors: touching the Exportation of the same, and the return of certificates from the Place, where such Sugar, Boards, Shingles, Clapboards, and Bricks, may be exported; and shall be subject to the same Penalties, for fraudulently relanding the same.

And be it enacted, That the Collector or Receiver, or Collectors or Receivers of the aforesaid Duties, shall render a just Account, and pay into the Hands of the Treasurer of the Province, all such Monies by him or them received in Pursuance of this Act, within Thirty Days after the End of each Quarter.

And be it also enacted, That all the Penalties and Forfeitures accruing, or arising by this Act, shall and may be recovered by Bill, Plaint, or Information, in any of His Majesty's Courts of Record in this Province, and the Money arising from such Penalties and Forfeitures, after Deducting the Expences of Prosecution and all incident Charges, shall be one half to His Majesty, for the Uses and Intents for which the Duties are Granted.

Granted, and the other half to him or them who shall Sell, inform and sue for the same.

And be it also further enacted, That all Monies arising from the duties imposed by this Act shall be, and are hereby appropriated for paying Bounties and Premiums, and other Debts due by the Laws of this Province.

And be it enacted, That this Act shall continue and remain in force for the term and Space of *Two Years*, from and after the Publication hereof, and until the End of the Session of the General Assembly then next following.

~~THE ACT TO IMPROVE THE PROVINCE TREASURER, TO BORROW A SUM NOT EXCEEDING THE SUM OF FOUR THOUSAND POUNDS, FOR PAYING OFF BOUNTIES, PREMIUMS, AND OTHER DEBTS, PAYABLE BY THE LAWS OF THIS PROVINCE.~~

An Act to empower the Province Treasurer, to borrow a Sum not exceeding the Sum of *Four Thousand Pounds*, for paying off Bounties, Premiums, and other Debts, payable by the Laws of this Province.

ap. 9.

~~WHEREAS~~ *HEREAS* the *Impost and Excise Duties*, have hitherto been insufficient for the discharge of the Debts due for Bounties, Premiums, and other Debts payable by the Laws of this Province; and whereas there are many Persons who now are possessed of Certificates for Bounties, Premiums, and other Accounts, which are due and become payable, but from the present State of the Province Funds, cannot be immediately discharged.

Be it enacted by the Lieutenant Governor, Council, and Assembly, That the Treasurer of the Province, be and is hereby empowered and directed, to borrow from such Person or Persons, as shall be willing to Lend the same, a Sum not exceeding *Four Thousand Pounds*, and the Sum so borrowed, shall be applied in manner as in this Act is hereafter directed, and for any Sum or Sums so borrowed, the Treasurer aforesaid shall give his Receipt or Obligation in the form following.

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for the use and Service of the Province of Nova-Scotia, and in Behalf of
said Province, I do hereby Promise and oblige my self, and Successors in the
Office of Treasurer, to repay the said or Order, the Day of
the aforesaid Sum of with Interest
at the Rate of Six Pounds per Centum per Annum. Witness my Hand.

And be it further enacted, That all Receipts so issued by the Treasurer of the Province, shall according to the Tenor thereof, bear an Interest at the Rate of Six Pounds per Centum per Annum, and so in Proportion for a greater or a lesser Sum, and the Treasurer is hereby directed not to borrow, or give his Receipt for any Sum less than Five Pounds; and be it also further enacted, That the Sum so borrow'd, shall be applied to the Payment and Discharge of the Bounty Certificates and Premiums which are or shall become due and payable on or before the Twenty Fifth Day of March, One Thousand seven Hundred and sixty Four; and for all other Debts, which became due and payable by the Laws of this Province on or before the Twenty fifth Day of March, One Thousand seven Hundred and sixty Three.

Provided, That the Accounts and Vouchers of all such separate Debts, shall be first Regularly audited, and certified to be justly due.

Provided also, That if the Province Treasurer should (by a Scarcity of Money) not be able to borrow the Sum intended by this Act, that then and in such case, any Person or Persons, who shall present Bounty Bills or Accounts of Money due from the Government, properly authenticated, said Notes or Accounts may be received by the Treasurer, who is hereby Directed to give his Receipt for the said Sum, bearing Interest in manner herein directed.

And provided always, and be it further enacted, That if there should not be Money sufficient in the Treasury, to discharge the several Receipts to issued, when the same become payable; that then and in such case the Treasurer is hereby authorized, and directed, to pay off the Interest, as the same becomes annually due, out of such Monies as may then be in his Hands arising from the Duties of Impost and Excise.

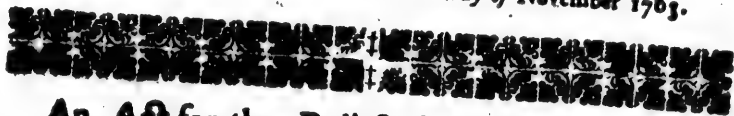
And whereas the Act, intituled, *an Act to enable the Governor, Lieutenant Governor, or Commander in Chief, to borrow the Sum of Four Thousand Five Hundred Pounds, for paying off the publick Debts, and to postpone the Payment of Bounties and Premiums*, has been found insufficient to discharge the whole of the Bounties and Premiums, that were to have been discharged with the Money borrow'd by the said Act, as sundry of the said Bounty and Premium Certificates are still outstanding, and whereas it is reasonable, that such Certificates should bear Interest, as they could not then be paid.

Be it therefore enacted, That the Treasurer aforesaid, shall state and allow Interest at the Rate of *six Pounds per centum per Annum*, on all such outstanding Certificates, from the Date of the last Warrant, granted in Virtue of the said loan Act, for Cash or Certificates received in at the Treasury.

And whereas several of the Principal Bounties and Premiums, granted by the Laws of this Province, are now expired, and others near expiring; and whereas the several Duties granted to His Majesty by the Laws of this Province, for Payment of Bounties, Premiums, and other Accounts, will not expire before the End of the Year, One Thousand seven Hundred and seventy One, whereby the Treasury will be constantly supplied with considerable Sums of Money, much more than will be wanted for paying off the Interest of Money borrow'd.

Be it further enacted, That all Monies, which may by be collected by virtue of the several Laws of this Province, wherein the same are appropriated for the Payment of Bounties, Premiums, and other Accounts payable by the Laws of this Province, over and above what will pay the Interest of Money borrow'd by the Government, shall (after discharging the former Loan Creditors) be applied for paying off the Receipts given by the Treasurer for Monies borrow'd, or Bounty and Premium Certificates receiv'd by virtue of this Act.

Published according to Law, the 28th Day of November 1763.



An Act for the Relief of Insolvent Debtors.

Cap. 10:

Enacted by the Honorable the Lieutenant Governor, Council, and Assembly.

Confirmed by His Majesty in Council the 17th

Be it enacted by the Honourable the Lieutenant Governor, Council, and Assembly, That from and after the End of this present Session, if any Person or Persons now Charged, or who shall, or may hereafter be charged in Execution for any Sum or Sums of Money, and shall be minded to Deliver up to his, her, or their Creditors, all his, her, or their Effects, towards the Satisfaction of the Debts, wherewith he, she, or they stand charged, it shall and may be lawfull to and for such Prisoner, to Exhibit a Petition to any of the Courts of Law within the said Province, or during the Intervals of the sitting of such Courts, to any two of the Justices of any such Courts, from whence the Process issued, upon which he, she, or they, was or were taken or charged in Execution, Certifying the cause or causes of his, her, or their Imprisonment, and an Account of his, her, or their whole Real or Personal Estate, with the Dates of the Securities wherein any Part of it consists, and the Deeds or Notes relating thereto, and the Names of the Witnesses thereto, as far as his, her, or their Knowledge extends therein, and upon such Petition the said Court or the said Two Justices may, and are hereby required by order or rule of the said Court, or by order under the Hands and Seals of the said Two Justices, to cause the

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said Prisoner to be brought up to the said Court, or before them the said Two Justices, and the several Creditors at whose Suit he, she, or they stand charged as aforesaid, to be Summoned to appear Personally, or by their Attorney in the said Court, or before them the said Two Justices at a Day to be appointed for that Purpose; and upon the Day of such Appearance, if any of the Creditors Summoned, Refuse, or Neglect to appear, upon Affidavit, of the due Service of such Rule or Order of the said Court, or Order of the said Two Justices, the said Court or the said Two Justices, shall, and may in a Summary Way, examine into the matter of such Petition, and hear what can or shall be alleged on either Side, for or against the discharge of such Prisoner, and upon such Examination the said Court or the said Two Justices may, and are hereby required, to Administer or Tender to the Prisoner an Oath to the Effect following, which Oath the said Court, or the said Two Justices are hereby empowered to Administer.

I A. B. Do Solemnly Swear in the Presence of Almighty God, that the Account by me deliver'd into,

In my Petition to,
Doth contain a true and full Account of all my Real and Personal Estate, Debts, Credits, and Effects whatsoever, which I, or any in trust for Me, have, or at the Time of my said Petition had, or am or was in any Respect intitled to in Possession, remainder or Reversion, (except the Wearing Apparel and Bedding for me or my Family, and the Tools or Instruments of my Trade or Calling, not exceeding Ten Pounds in the whole) and that I have not at any Time since my Imprisonment or before, Directly or Indirectly, sold, Leased, Assigned or otherwise disposed of, or made over in trust for my self, or otherwise, other than as mentioned in such Account, any Part of my Lands, Estate, Goods, Stock, Money, Debts, or other Real or Personal Estate, whereby to have or expect any Benefit or Profit to myself, or to Defraud any of my Creditors, to whom I am Indebted.

So Help me GOD,

And be it further Enacted, That in case the said Prisoner shall in open Court, or before the said Two Justices, take the said Oath, and upon such Examination and his or her taking the said Oath, the Creditors shall be satisfied with the Truth thereof, the said Court or the said Two Justices may immediately Order the Lands, Goods, or Effects, contained in such Account, or so much of them as may be Sufficient to satisfy the Debts where-with he, or she, is or shall be charged, and the Fees due to the Provost Marshall of the said Province, and the Keeper of the Goal or Prison from which the Prisoner was brought, to be by a short Indorsment on the Back of the said Petition, Signed by the Prisoner, Assigned to the said Creditors, or to one or more of them, in Trust for the rest of the said Creditors, and by such Assignment, the Estate, Interest, and property of the Lands, Goods, Debts, and Effects so Assigned, shall be vested in the Person or Persons to whom such Assignment is or shall be made, who may take Possession of, or Sue for the same in his, her, or their own Name or Names in like Manner

Manner as Assignees of Commissioners of Bankrupts, to which Suit no Release of the Prisoner, his, or her Executors, or Administrators, or any Trustees for him or her Subsequent to such Assignment, shall be any Barr, and immediately upon such Assignment executed, the said Prisoner shall be Discharged out of Custody by Order of the said Court, or of the said Two Justices, and such Order shall be a sufficient Warrant to the Provost Marshall, Goaler, or Keeper of such Prison, to Discharge the said Prisoner, and detained for the Causes mentioned in such Petition and no other; and he is hereby required to Discharge and set him, or her at Liberty forthwith without Fee: Nor shall such Provost Marshall, or Goaler, be liable to any Action of Escape or other Suit or Information upon that Account, and the Person or Persons to whom the said Effects shall be Assigned, Paying the Fees to said Provost Marshall, Goaler or Keeper of the Prison, in whole Custody the Party discharged, was, shall and are hereby requir'd to divide the Effects so Assigned among themselves, and all the Persons for whom they shall be intrusted, in Proportion to their respective Debts: but in case the Person or Persons at whose Suit such Prisoner was charged in Execution, or any of them, shall not be satisfied with the Truth of the Oath of such Prisoner before the Two Justices aforesaid, and shall desire further Time to inform himself or herself of the Matters contained therein, and shall insist upon his, or her, being detained longer in Prison, at his or their Suit, then the said Justices shall and may remand the said Prisoner, and direct the said Prisoner, and the Person or Persons Dissatisfied with such Oath, to appear before the Court whence the Process issued as aforesaid, at a certain Day during the Sitting of the said Court then next following such Examination, and to be by them at that Time appointed for the further Examination of the Matters contained in the said Oath; Provided the said Person or Persons so Dissatisfied, do agree by Writing under his or their Hands, to supply and allow Weekly the full Quantity of *Eight Pounds* of good and wholesome Bisquit Bread per Week, unto the said Prisoner, to be so supplied and allowed the first Day of every Week, from and after the Time of such Prisoners being to be remanded, until the said Day so appointed for the further Examination of the Truth of the Matters contained in the aforesaid Oath before the said Court as aforesaid; and in case of the supplying of which Weekly Allowance at any Time, the said Prisoner shall forthwith upon Application to the said Court, or to the said Two Justices, be Discharged by such Order as aforesaid; but in case the said Prisoner shall Refuse to take the Oath before the said Two Justices, or having taken the same, shall be detected of Falshity therein, he, or she, shall be presently Remanded.

And be it also enacted, That such Judgment, Relief, and Directions by the said Two Justices, so to be given as aforesaid, shall be as good and Effectual to all Intents and Purposes, as if the same had been made in the Court out of which the Process issued, on which such Prisoner was taken in Execution, and the like Proceedings shall be had thereupon, and a Record of such Judgment shall be made up in the same Form, and returned, and certified under the Hands of such two Justices before whom it shall be made, unto the Court from whence the Process on which such Prisoner was taken in Execution issued, to be a Record of the said Court, and to be kept as such amongst the Records there.

And be it further enacted, That if on the Appearance of such Prisoner or Prisoners before the said Court as aforesaid, at such second Day so to be appointed by the said two Justices, the Creditor or Creditors of such Prisoner or Prisoners dissatisfied with the Truth of such Oath, before the said two Justices, shall make Default in appearing; or in Case he, she, or they shall appear, but shall be unable to discover any Estate or Effects of the Prisoner omitted in such his, or her Petition; or to shew any Probability of his, or her, having been foresworn in the said Oath, then the said Court shall immediately cause the said Prisoner to be discharged upon such Assignment of his or her Effects in Manner as aforesaid, unless such Creditor or Creditors do insist upon his, or her, being detained longer in Prison at their Suit, and do agree by Writing under his, her or their Hands, to supply and allow Weekly the full quantity of *Eight Pounds* of good wholesome Biskuit Bread per Week, unto the said Prisoner, to be supplied and allowed the first Day of every Week, so long as he, or she, shall continue in Prison at his, her, or their Suit as aforesaid; on Failure of the Supply of which Weekly Allowance at any Time, the Prisoner shall forthwith, upon Application to the said Court, or during the Interval of such Courts sitting to the said two Justices, be Discharged by such Order as aforesaid.

And be it enacted, That in case on the Appearance of the said Prisoner, before any of the said Courts of Law in this Province, on his Petition to them at any Time during their sitting, preferred as aforesaid, the Person or Persons at whose Suit such Prisoner was charged in Execution, or any of them, shall not be satisfied with the Truth of the said Prisoners Oath, at that Time made, but shall desire further Time to inform himself or herself of the matters contained therein, the said Court may and shall remand the said Prisoner, and direct the said Prisoner, and the Person or Persons Dissatisfied with such Oath, to appear at another Day to be Appointed by the said Court sometime within and during their then present Session, for that Purpose; subject in the mean Time and untill such second Day, to the same Allowance to the said Prisoner, by such Person or Persons so Dissatisfied with the said Prisoners Oath, and liable to the like Discharge in case of Default of such Allowances as is herein before directed, upon Application to the said two Justices as aforesaid: And if at such second Day so to be Appointed, the Creditor or Creditors Dissatisfied with such Oath, shall make Default in appearing, or in case he, she, or they, shall appear but shall be unable to discover any Estate or Effects of the Prisoner omitted, in such his, or her Petition; or to shew any Probability of his, or her, having been foresworn in the said Oath, then the said Court shall immediately cause the said Prisoner to be discharged, upon such Assignment of his, or her Effects in manner as aforesaid, unless such Creditor or Creditors do insist upon his, or her, being longer detained in Prison at their Suit, and do agree by Writing under his, her, or their Hands, to supply and allow Weekly the Quantity of *Eight Pounds*, of good and wholesome Biskuit Bread per Week, unto the said Prisoner, to be supplied and allowed the first Day of every Week, so long as he, or she, shall continue in Goal, at his, her, or their Suit; on Failure of the supplying of which Weekly Allowance

lowance at any Time, the said Prisoner shall forthwith upon Application to the Court, or during the Interval of such Courts sitting, to any Two Justices of the said Court, be discharged by such Order as aforesaid; but in Case the said Prisoner shall refuse to take the said Oath, or having taken the same, shall be detected of Falshy therein, he, or she, shall be presently remanded,

And to prevent Persons who may be charged in Execution from lying in Prison, until they have spent their Substance wherewith they should satisfy their Creditors, and afterwards taking the Benefit of this Act, where they have nothing left to deliver up to their Creditors; it is hereby enacted, that no Person charged or to be charged in Execution, excepting those already in Goal, shall be allowed or permitted to exhibit a Petition to any of the Courts of Law in this Province, or to any of the said Two Justices of such Courts, from whence the Process issued as is before provided, unless such Petition be exhibited, if before the Court, within Ten Days next after the first meeting of the said Court which shall be next after such Person shall be so charged in Execution, and if before the said Two Justices within Fourteen Days next after such Person shall be charged in Execution: Provided always, That tho' the Persons of the Debtor or Debtors to discharged, shall never after be arrested for the same Debt or Debts, yet notwithstanding such discharge the Judgment against him, or her, shall stand and remain in force, and Execution may be taken out thereon against his, or her Lands Tenements or Hereditaments, Goods and Chattels, (his, or her, Wearing Apparel, Bedding for him, or herself and Family, and necessary Tools for the use of his, or her, Trade or Occupation Excepted, in the same manner as if he, or she, had never been taken in Execution) for the said Debt.

*Provided also, That if any Person who shall take such Oath as aforesaid, before the said Two Justices, or before the said Court as aforesaid, shall upon any Indictment for Perjury, in any matter or Particular contained in the said Oath, be convicted by his, or her own confession, or by Verdict of Twelve Men, as he, or she, may be by force of this Act, the Person, so convicted, shall suffer all the Pains and Forfeitures which by Law may be inflicted on any Person convicted of wilful Perjury, and shall be liable to be taken upon any Process *De Novo*, and charged in Execution for the said Debt, in the same manner as if he, or she, had never been discharged or taken in Execution before, and shall never afterwards have the Benefit of this Act.*

Provided also, That if the Effects so assigned, shall not extend to satisfy the whole Debts due to the Persons at whose Suit he, or she, was charged, and the Fees due to the said Provost Marshall or Goaler, there shall be an abatement in Proportion; and such Provost Marshall or Goaler shall come in as a Creditor, for what shall be then due to him for his Fees in Proportion with the Creditors at whose Suit he, or she, was charged in Execution.

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And be it likewise enacted, That every Provost Marshall, or his Deputy, Bailiff, or other Officer or Minister aforesaid, offending against this Act, shall (over and above such Penalties or Punishments as he shall be liable unto, by the Law now in Force) for every offence against this present Act, forfeit and pay to the party thereby grieved, the Sum of Fifty Pounds, to be recovered with trible Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Law within this Province, wherein, no Effoign Protection or Waiver of Law, or more than One Imparience shall be allowed.

And be it enacted, That in all Cases wherein by this Act an Oath is required, the solemn Affirmation of any Person being a Quaker, shall and may be accepted and taken in Lieu thereof, and every Person making such Affirmation who shall be Convicted of Willful and False Affirming, shall incur and suffer, such and the same Pains, Penalties and Forfeitures, as are inflicted and imposed by the Laws and Statutes now in Force, upon Persons Convicted of Willful and Corrupt Perjury.

Provided nevertheless, That Nothing in this Act contained, shall extend or be construed to extend, to Discharge any Debtor Imprisoned, the whole Amount of whose Debts, shall exceed the sum of One Hundred Pounds; nor that this Act shall be in force, till His Majesty's Pleasure be known therein.

Confirmed by
His Majesty
in Council.

Published according to Law the 28th Day of November 1763



An Act in Addition to an Act, intituled, *An Act for Regulating the Proceedings of the Courts of Judicature.*

Temp
Jury, from
28th Novemr.

Cap. II.

2d of repealed

Be it enacted by the Lieutenant Governor, Council, and As-
sembly, That all Processes and Writs for the bringing any Suit
into any of the Inferior Courts of Common Pleas within this
Province, shall issue out of the Clerks Office of the
same Court where the cause is to be tried, in His Majesty's
Name, under the Seal of the said Court, and shall be Signed by the said
Clark; and be directed to the Provost Marshal of this Province or his De-
puty; and if such Process or Writ be against the Provost Marshal, then it shall
be directed to the Coroner of the County, who is hereby empowered to
execute the same; And all Writs as well Original as Judicial issuing out
of the Clerk's Office as aforesaid, shall run through the said Province, and
be executed by the Officer or Officers to whom they shall be directed;
Provided

Provided always, that were the Plaintiff and Defendant shall both reside in the same County, that then the Action shall Commence, and be Tried in the Inferior Court of that County.

*And be it further enacted, That all Processes and Writs, as well Original as Judicial, issuing out of the Clerk's Office of the respective Courts, shall bear Teste of the First Justice named in the Commission for holding the said Court; and upon any Vacancy by his Death, Removal or other Impediment, then of the Justice next named in the Commission for the Time being; and all proper Original Process in said Court shall be by Summons or Attachment, which shall be made returnable *Twelve Days* before the Sitting of the said Court, and shall always bear true Teste of the Time of issuing thereof, and shall be served and executed by the proper Officer, as before in this Act is prescribed, at least *Fourteen Days* before the Sitting of the Court, to which the same is returnable (except such Writs as are served in other Counties, or any other Part of the Province distant from the County wherein the cause is commenced, which may be returned at any Time during the Sitting of the Courts respectively,) and that the proper Original Summons or Attachment, and the Writ of Execution, in all Civil Actions, and the Writ of *Habeas facias possessionem* in all Real Actions, between Party and Party, shall be in the Form as hath been heretofore used, and observed.*

*And be it further enacted, That the Plaintiff shall within Three Days after the Return of the Writ, File with the Clerk of the Court a Declaration clearly setting forth the Cause of Action against the Defendant or Defendants, and shall at the same Time annex to, or File with such Declaration, a Copy of the Bond and Condition thereof, Bill, Note, Contract, Agreement, Lease, Account or other Writing, on which such Action is grounded: And in case of Failure thereof, the Plaintiff shall pay *Ten Shillings* Costs, and he shall have Liberty, to File his Declaration and Copy of Accounts and Writings as aforesaid, on which his Action is grounded, before the Day of the Sitting of said Court; and it shall be in the Power of the Court to give such further Time to the Defendant to plead as they in their Discretion shall judge necessary: And the Defendants Pleas if any, he or they have, either in Abatement to the Writ, or in Bar to the Action, or Demurrer to the Writ and Action, shall be Filed with the Clerk of said Court, at least *Four Days* before the Sitting of the said Court; and if he or they neglect to File the same, they shall not be allowed afterwards the Benefit of such Pleas, but at the Sitting of said Court shall plead over to the General Issue only; And if such Pleas shall be made within the Time aforesaid, the Plaintiffs Replication thereto, shall also be Filed with the Clerk of said Court, before the Day appointed for the Sitting of said Court. *Provided always that no dilatory Plea be allowed to be Filed, unless Signed by the Parties to the Suit respectively, or by some Attorney of the Court.**

And be it further enacted, That when it shall so happen, that any of the Witnesses which shall be judged necessary to be produced on the Trial of

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of any Cause between Party and Party, (except for Trespass or Suits for uncertain Damages) shall be Inhabitants in another County, or live at a greater Distance than Thirty Miles from the Court, in which such Cause shall be Tried, any one of the Judges of the Court of Common Pleas for the County in which such Witness shall dwell, may take his Deposition in Writing; due Notice being first given to the adverse Party if within the County, or within Fifteen Miles of the Judge taking such Deposition, and such Deposition so taken and certified under the Hand and Seal of the said Judge, and Sealed up and directed to such Court, shall be received as legal Evidence in such Cause; And whereas it may happen that the Parties to a Cause having mutual Accounts, may be at such Distance from the Court where the same is to be Tried, as may render it very inconvenient to produce his original Account Books, and convey them to such Distance; Be it also enacted, That such Accounts may also be proved on Oath, before any One of the Judges of the Court of Common Pleas, in the County where the Action is to be Tried, or before any one of the Judges of such Court in the County, where the Party may reside; the Account being first compared by the original Books and so certified.

And be it enacted, That no Person, who now is, or hereafter shall be a Freeholder and Inhabitant in this Province, and whose Freehold is free from Incumbrances, shall be Arrested, Imprisoned, or held to Bail, unless the Plaintiff in such Action shall make and subscribe an Affidavit in Writing, before a Judge of the Court, or the Clerk of the Court from whence such Writ shall issue, (who is hereby empowered to Administer the same) that the Defendant is justly Indebted to the Plaintiff in the Sum of Ten Pounds or upwards, according to the present Rate of Currency in Halifax; which Affidavit shall be Filed in the Office of the said Clerk; and the Sum specified in such Affidavit, shall be indorsed on the Back of the said Writ in the following Form.

By Oath for £.

For which Sum so indorsed the Provost Marshal, or his Deputy, shall take Bail, and no more.

Provided always, That Nothing in this Act contained, shall prevent any Creditor from Arresting, or holding to Bail, or Attaching the Goods and Chattels, of any Transient Person, but such Person is, and shall be liable to an Attachment of the body, or Goods and Chattels, for any Sum whatsoever, on Affidavit being first made and Filed as aforesaid.

And be it further enacted, That if such Action, shall be brought by any agent Factor or Attorney, in the Name of his Principal, it absent, upon producing an Affidavit of such the Debt of his principal Duly authenticated according to the Laws of England, or the usage and Practice of the Plantations in such Cases, or if such Principal be in any part of the Province remote from the Courts, upon producing an Affidavit taken as aforesaid, before a Justice of the Peace, and upon the said Affidavits being respectively Filed as aforesaid, then the said Judge, or Clerk of the said Court, shall indorse the Sum so Sworn to, and Bail shall be required accordingly.

And

And be it further enacted, That when any Person or Persons shall be Arrested by Virtue of any Writ issuing out of the said *Inferior Courts*, the Provost Marshal or his Deputy, shall be obliged and are hereby respectively required, upon sufficient Bail being offered, to let such Defendant or Defendants go at large upon his, or her, or their, first executing a Bond with Two sufficient Sureties, to the said Provost-Marshal, with a Condition thereunder Written, for the personal Appearance only of the Defendant on the First Day of the Court, to which such Writ is returnable: And if such Defendant shall not appear accordingly, or if sufficient Bail to abide the Final event of the Suit shall not then be offered in behalf of the Defendant; Judgment shall thereupon be entered against the Defendant by Default, and the Provost-Marshal, shall then and there in Court upon the request of the Plaintiff or his Attorney, Assign the Bail Bond, by Indorsing his Name thereon for the Benefit of the Plaintiff, to be put in Suit or otherwise recover the Penalty thereof; which Assignment shall not debar the Plaintiff from proceeding to final Judgment, and Execution the same Court against the Defendant or Defendants in the said Action, as in Cases wherein Default is made. But whenever it shall happen that the Defendant or Defendants shall appear according to the Tenor of the Condition of the Bond, and there abide by the Order of Court, or give Bail to the Satisfaction of the Plaintiff, and Approbation of the Court, to abide by the final issue and determination of the Suit; or if the Defendant from some Impediment shall not happen to appear, but nevertheless two sufficient Persons to be approved of by the Plaintiff and Court, shall offer to become and give Bail in Manner aforesaid, in such case the Bail for Appearance only shall be discharged, and such Defendant or Defendants, shall be entitled to all the Privileges of Law, and in no other Case whatsoever unless Consented to, and agreed upon in open Court, between the Plaintiff and Defendant, or their Attorneys in their behalf.

And be it further enacted, That whenever any Person shall be committed to Prison, by virtue of any Original Writ issuing out of any *Inferior Court* as aforesaid, the Provost Marshal or his Deputy, shall at the same Time serve such Prisoner or Prisoners with a true Copy of such Writ or Writs, together with the Indorsement thereon; and the Plaintiff or his Attorney, on the Day after Filing the Declaration with the Account or Instrument in Writing, on which the Action is grounded, as in this Act prescribed, shall also serve such Defendant or Defendants with a true Copy of such Declaration, as Filed against them in the Clerk's Office, and that unless he Employ an Attorney to Plead thereto, according to the Rules herein Prescribed, Judgment will be entered against him by Default; the Service of which Notice shall be deemed Sufficient by leaving the same with the Keeper of the Prison or his Deputy, where such Defendant is Imprisoned; and upon Failure of delivering such Notice by the Keeper to such Prisoner, the said Keeper shall Forfeit and Pay all such Damages, as the Defendant may have sustained by such Neglect. And upon the First Day of the Court the Plaintiffs Attorney (if no Appearance of the Defendant) upon producing a Copy of such Notice and Affidavit of the due Service thereof as aforesaid; Judgement shall be entered by Default against such Defendant or Defendants in Prison. And in all Causes whatsoever (except Actions of Debt, or Actions grounded on Specialties or Account proved) now depending

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pending or hereafter to be brought in the Courts, wherein the Defend-
 ants have or shall suffer Defaults, the said Courts are hereby empowered
 and required in Lieu of a Writ of Enquiry of Damages, to order a Jury
 to be sworn, to assess Damages at the Bar, for which the Jury shall be
 paid such Fees, as heretofore have been usual on Trials of Issues.

And be it further enacted, That all Writs of Summons hereafter to be
 issued, and all other original Writs, shall be indorset, either by the Plain-
 tiff or his Attorney, who sues out the same, and the Defendant or Defend-
 ants therein Named, shall respectively be served with a true Copy of such
 Writ.

And be it further Enacted, That when any Person or Persons shall think
 himself aggrieved by any Judgment or Determination, in any of the said
Inferior Courts of Common Pleas, wherein the Cause of Action exceeds the
 Sum of *Five Pounds*, or in any Cause where the Title of Lands may be
 in Question, he may appeal from such Sentence and Judgment to the
 Supreme Court held for this Province, for a Rehearing of his said Cause,
 either in matters of Law or Facts; *Provided*, That such Appellant enters
 his Appeal before the rising of the said *Inferior Court*, that the adverse
 Party may have Notice; and likewise enter into a Recognizance with the
 Appellee in any Sum, not less than *Twenty Pounds*, to prosecute his Appeal
 with Effect, and files the same with the Clerk of said Court within *Five*
Days after the rising of said Court, otherwise Execution shall issue from
 the said Court according to their Judgment and Determination.

And be it further enacted, That the Form of Writs to be issued by the
 Justices of the Peace, for the Recovery of small Debts, shall be by Sum-
 mons only, in the following Form.

County of

To the *Provost-Marshal* or his Deputy, *Greeting*.

I N His Majesty's Name you are hereby commanded to sum-
 mon, A. B. of _____ if he may be found
 in your Precinct, to be and appear before
 His Majesty's Justices of the Peace for said County, at the Dwel-
 ling House of _____ on _____ Day, being the
 Day of _____ at _____ of the Clock in the
 noon, then and there to answer to C. D. of _____ in a Plea
 To the Damage of the said C. D. as _____ says the Sum of
 _____ which he will then and there make
 appear; and do you make due return of this Summons, with your
 Doings thereon to _____ on or before said Day Witness
 Hand and Seal this _____ Day of _____ in the
 Year of His Majesty's Reign, Annoque Domini 17

A Copy of which shall be left with the Defendant at his last Place of
 Abode, at least *Seven Days* before the Trial.

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And be it enacted, That all Writs of Execution issued by the said Justices, shall run against the Goods and Chattels, &c. the Defendant, and for want thereof to take the Body of the said Defendant.

And be it enacted, That this Act, shall continue and be in Force for the Space of *Two Years* from the Publication thereof, and from thence to the End of the next Session of the General Assembly.

Published according to Law, the 23th Day of November 1763.



An Act in addition to an Act, made and passed, in the Thirtieth third Year of His late Majesty's Reign, Intituled, *an Act for the Summary Trial of Actions.*

v. 12.

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Be it enacted, That any one of the Justices of the Common Pleas within this Province, is hereby impowered in all Causes of Action brought before him, where the Debt does not exceed *Ten Pounds*, to take the voluntary Confession of the Debtor, for the Sum demanded by the Creditor, as agreed between the Debtor and Creditor, and upon such Confession so made by the Debtor, and the Specialty, Contract or Account, on which the said Debt arose, being Filed with said Justice, and a Record made of the same, that then said Justice by whom such Record is made, is hereby impowered, to grant Execution thereon, according to such Agreement upon the Oath of the Creditor, that the Debt is *Bona fide* due to him in, the same manner, as if the said Action had been Tryed in the *Inferior Court*; and that the whole Costs on such Confession and Record of the same, and Execution, shall not exceed *Five Shillings*, exclusive of the Provost Marshals Fees: And the Proceedings so had before the said Justice (where the Debt is *Three Pounds* and upwards) shall be Filed by him, with the Clerk of the *Inferior Court of Common-Pleas*, of the County, where the Parties reside, that the same may be recorded therein, and the Clerks Fees for so doing shall not exceed *One Shilling*: And where the Debt is under *Three Pounds*, the Record thereof shall remain with the Justice before whom the Debt was confessed.

This Act to continue in Force for the Space of *Two Years* from the Publication thereof, and to the End of the Session of the General Assembly then next following.

Published according to Law, the 23th Day of November 1763.

AN ACT to enable the Inhabitants of the several Townships within this Province, to Maintain their Poor.

An Act to enable the Inhabitants of the several Townships within this Province, to Maintain their Poor.

Be it enacted, By the Lieutenant Governor, Council, and Assembly, That from and after the Publication hereof, it shall and may be lawful for the Freeholders of any Township within this Province, where there are Fifty or more Families Freeholders resident, to meet on the First Monday in January Annually: Previous Notice being given by the Constables of such Townships Respectively (who are hereby required to notify the same to the Freeholders of each Township, at least *Ten Days* before the Time of Meeting) of the Time and Place of Meeting in such Township, at which Meeting of the said Freeholders then and there held, a Chairman being first chosen, the Freeholders shall proceed to choose Twelve Inhabitants of the said Township, any Nine of which to be a *Quorum*, who are hereby Impowered to Assess the Inhabitants of said Township for such Sum, as shall be granted by the said Freeholders for the Relief of their Poor.

Cap. 13.

And be it further enacted, That the said Freeholders in such their Annual Meeting, shall be and are hereby Impowered to Vote such Sums of Money as they shall judge necessary for the current Year, to support and Maintain their Poor.

And be it also further enacted, That the Twelve Inhabitants so elected in the Meeting Annually, or any Nine of them, shall be, and are hereby Impowered to Assess the Freeholders, and other Inhabitants, in Just and equal Proportion as near as may be, for the Monies Voted as aforesaid; and each particular Person being Assessed according to his known Estate, either Real or Personal, for the Purpose aforesaid, shall pay the same to such Person or Persons as shall be appointed to Collect and Receive the same, by the said elected Inhabitants, or any Nine of them, and if any Person so Assessed, shall Refuse or Neglect to pay said Assessment, the same shall and may be levied by Warrant of Distress, from any One of His Majesty's Justices of the Peace of the Township, or County wherein such Person shall reside.

Provided nevertheless, That if any Person shall think himself over Rated, he may Appeal for Redress to the next General Sessions of the Peace of the said County, and the Justices thereof, are hereby required and Impower'd, to examine, hear, and determine, all and every such appeal or Complaint, and to give Redress, as they in their Judgment shall think equitable, and such their Order and Judgment, shall be Final and Bind all Parties.

And be it enacted, That the Person or Persons appointed to collect the Assessments aforesaid, shall once in *Three Months*, Account with and pay into the Hands of the Overseers of the Poor of said Township, all such Sums of Money as he or they may have received, and upon his or their Neglect

Neglect or Refusal, to account and pay in the same as aforesaid, such Person or Persons, shall and may be Prosecuted by the Overseers of the Poor for the Time being, by Bill, Plaint, or Information, in any of His Majesty's Courts of Record within this Province.

And be it also enacted, that the Overseers of the Poor of each Township respectively, shall dispose of the Monies voted and received for the Purpose beforementioned, only, and they are hereby required and directed, to render an Account thereof to their Successors, and to pay into their Hands any Surplus of Money, that may remain in their Hands not distributed.

And be it further enacted, That if any of the Twelve Inhabitants chosen at the Annual Meeting as aforesaid, to make the Assessment aforesaid, or the Person or Persons appointed to Collect the same, shall Refuse to serve in their Respective Offices, each Person so refusing shall Forfeit and Pay to the Overseers of the Poor, for the use of the Poor of said Township the Sum of *Fifty Shillings*.

Published according to Law, the 28th Day of November 1763.



An Act to explain and amend an Act, made and pass'd in the 32d Year of His Late Majesty's Reign, intituled, *an Act for making Lands and Tenements Liable to the Payment of Debts.*

Cap. 14.

HEREAS, in the first Clause of an Act made and pass'd in the 32d. Year of His late Majesty's Reign, Intituled, an Act for making Lands and Tenements, liable to the Payment of Debts; It is among other Things enacted, *That the Person or Persons in Possession of any Lands and Tenements on which the Provoost Marshal or his Deputy, shall extend the Execution, of any Judgment on the Rents only, and shall cause the Person or Persons, in Possession, whether Debtor or Debtors, or their Tenant or Tenants, to attorn and become Tenants to such Creditor or Creditors; and whereas many Doubts have arisen concerning such Debtor or Debtors, or Person in Possession, Refusing to attorn and become Tenants, and neglecting or Refusing to pay the Rents as the same become due.*

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That every such Debtor or Debtors, or Persons in Possession of the Premises, on which Execution shall be extended, who shall Refuse to attorn as Tenants to the Creditor or Creditors, at the Rent fixed by the Appraisers; or shall neglect or refuse to pay the Rent as it becomes due, then and in either of these cases, the Person or Persons in Possession of the said Lands

*Be it enacted by the Lieutenant Governor, Council, and Assembly, That from and after the Publication hereof, the ordering and Governing the said House of Correction or Work-House, shall be in the Justices of the Peace in their Quarter Sessions, (except three Rooms, which shall be reserved for the Reception of the Poor, under the Direction of the Overseers of the Poor,) and the said Justices are hereby also empowered to agree with any Person to be Master or Keeper of the said House, (excepting the three Rooms before excepted) upon the best Terms they can, for such Time as they shall think advisable, publick Notice being first given in the *Halifax Gazette* for that Purpose; and such Master or Keeper shall account with the said Justices in Sessions, once in every Three Months (if required,) therein stating as well the Expences of attending the said House, as all the Earnings of the same.*

And be it further enacted, That the said Justices shall nominate Three of their Bench Quarterly, to have the Inspection of the said Work House, one of which Justices in Rotation shall visit the same at least once every Week, to see that such Persons as shall be committed thereto, are kept diligently to Work; and to rectify any Abuses, that may be found in the Management thereof.

and whereas, By the said Act, Sick and weak Persons, unable to Work, are directed to be sent to the said House of Correction, to be there taken care of and Relieved, which has been attended with great Expence, for Remedy whereof

Be it enacted, That it shall be in the Power of the Overseers of the Poor of the Town of *Haltax* only, to send such Sick and weak Persons to the Work-House, there to be relieved by their Direction, and the Expence thereof to be defrayed out of such Taxes, or PooresRate, as shall be granted and collected for the Town of *Haltax*.

And whereas, The Clause in the said Act, relating to, the Binding out Poor Children, and Orphans, is confined to the Town of *Halifax* only, which if extended to the other Towns in the Province, might be attended with many good Effects, Be it therefore enacted, That the said Clause in the before recited Act, relating to the Binding out Poor Children and Orphans, and all the directions therein contained, shall for the future extend, and be construed to extend, to all the other Towns in this Province.

Published according to Law, the 28th Day of November 1763.

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At the *General-Assembly* of the Pro-
vince of *Nova-Scotia*, begun and
holden at *Halifax*, on Wednesday
the *First* Day of *July* 1761, in
the *First* Year of His Majesty's
Reign, and there continued by se-
veral Prorogations until Thursday
the 22d Day of *March*, 1764, in
the *Fourth* Year of His Majesty's
Reign.

An Act for amending Defects in Pleas, Processes,
and Records.

Be it enacted by the Lieutenant Governor, Council, and Assem-
by, That for Error in any Record, Process, or Warrant of
Attorney, Original Writ, or Judicial, Panel or Return, in
any Places of the same razed or interlined, or in any Ad-
dition, Substraction, or Diminution of Words, Letters,
Syllables, or Titles found therein: No Judgment or Record shall be re-
versed or annulled, but the Judges of the Courts before whom such Re-
cords and Process shall be depending, shall have Power to examine such
Records, Process, Words, Pleas, Warrants of Attorney, Writs, Panels, or
Return by them, and their Clerks, and to reform and amend
in Affirmance of the Judgments of such Records and Processes, all that
which to them in their Discretion, seemeth to be misprison of their Clerks,

Cap. 4.

in such Record, Process, Word, Plea, Warrant of Attorney, Writ, Panel and Return; except Appeals, Indictments of Treasons and Felonies, and the Outlawries for the same; and the Substance of the proper Names, Surnames, and Additions left out in original Writs, and Writs of Exigent, and any other Writs containing Proclamation.

And be it further enacted, by the Authority aforesaid, That all Writs of Error, Appeals from Judgments in any Action, Real, Personal, or mixed, according to the Course of Proceedings in this Province, wherein there shall be any Variance from the Original Record, or other Defect, may and shall be amended and made agreeable to such Record, by the Courts where such Writ or Writs of Error, or such appeals shall be returnable; and that where any Verdict shall be given in any Action, Suit, Bill, Complaint or Demand, in any of His Majesty's Courts of Record within this Province, the Judgment thereupon shall not be stayed or reversed for any Defect or Fault either in Form or Substance, in any Bill, Writ, Original or Judicial, or for any Variance in such Writs from the Declaration or other Proceedings.

Provided Nevertheless, That nothing in this Act contained, shall extend, or be construed to extend, to any Appeal of Felony or Murder, or to any Process upon any Indictment, Presentment, or Information, of or for any Offence or misdemeanour whatsoever.

Published according to Law, the 10th Day of April 1764.

THE ACT FOR ALTERING AND AMENDING SEVERAL ACTS OF THIS PROVINCE, RELATING TO THE DUTIES OF EXCISE ON WINES, RUM, AND OTHER DISTILLED SPIRITUOUS LIQUORS, SOLD WITHIN THIS PROVINCE.

An Act in further addition to an Act, made and pass'd in the Third Year of His Majesty's Reign, Intituled, *an Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province.*

Cap. 2.

WHEREAS in the Act made and pass'd in the third Year of His Majesty's Reign, Intituled, *an Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province, no Provision is made in what manner the Distillers account is to be render'd in case of the absence of the Owner or Occupier of any Distill-house, or in case the Business of such Distill-house, be carried on under the Direction of a Foreman Distiller or any other Person.*

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Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the Publication hereof ; whenever it shall so happen, that the Business of a Distill-house shall be carried on under the Direction of a Foreman Distiller, or any other Person in the absence of the Owner or Master thereof, that then and in such case, the said Foreman or other Person, shall render his Monthly Account upon Oath, as is directed in the afore recited Act, to be done by the said Owner or Master of the Distill-house ; and shall also in every other particular pay due Obedience to the several Rules and Directions, prescribed by the said aforesaid Act, under the like Penalties as are imposed by the said Act for each and every Neglect thereof.

Published according to Law, the 10th Day of April 1764.



An Act for the ascertaining the Times, and Places for the holding the General Sessions of the Peace & Inferior Courts of Common Pleas, for the several Counties in this Province.

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That the General Sessions of the Peases, and Inferior Court of Common Pleas for the County of *Halifax*, shall be held in the Town of *Halifax*, on the first Tuesday of *March*, on the first Tuesday of *June*, on the first Tuesday of *September*, and on the first Tuesday of *December* ; at which Courts the Business of the Sessions shall be first proceeded upon and Dispatched. For the County of *Annapolis* in the Town of *Annapolis*, on the third Tuesday of *January*, and on the second Tuesday of *September* ; For the County of *Lunenburg*, in the Town of *Lunenburg* on the third Tuesday of *February*, and on the first Tuesday of *September* ; for *Queen's County*, in the Town of *Liverpool*, on the first Tuesday of *February*, and on the third Tuesday of *September* ; for *King's County* in the Town of *Horton*, on the last Tuesday of *May*, and on the first Tuesday of *October* ; and for the County of *Cumberland*, in the Town of *Cumberland*, on the last Tuesday of *March* and second Tuesday of *October* ; which Courts shall be held at the said Places respectively, and on the said Days in every Year.

And be it further Enacted, That all Writs, Summons, and all other Process, issued and returnable to the Courts heretofore appointed, shall be returned to the Courts at the Times and Places appointed by this Act ; any Law, Usage, or Custom to the Contrary notwithstanding.

This Act to continue and be in force from and after the Publication thereof

cap. 3.
Temp.
Three Years
10th April.

thereof, for the Space of *Three Years*, and from thence until the End of the Session of the General Assembly then next following.

Published according to Law, the 10th Day of *April* 1764.



An Act in addition to an act, made and pass'd in the Third Year of His Majesty's Reign, Intituled an Act, for altering and amending several Acts of this Province, relating to the Duties of Impost upon Wines, Beer, Rum, and other distilled Spirituous Liquors.

4. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the Publication hereof, whentoever *B* it shall happen, that any Wines, Beer, Rum, or other distilled Spirituous Liquors upon Prosecution in any of his Majesty's Courts, shall be condemn'd for illegal Importation and declared to be forfeited, the Court before whom the same shall be condemn'd for illegal Importation as aforesaid, are hereby authorized and directed to proceed in a Summary Way, To impose a Fine or Penalty of *Ten Pounds* upon any Person or Persons Occupying any Dwelling-House, Cellar, Store, Out-Houses, Stables, Yard or other Inclosure whatsoever, where such Wines, Beer, Rum, or other distill'd Spirituous Liquors shall be found.

And whereas the Masters of Vessels or other Persons importing Wines, Beer, Rum, or other distill'd Spirituous Liquors into this Province, frequently clear out part of the said Wines, Beer, Rum, or other distilled Spirituous Liquors by them imported, under pretence of their not being able to dispose of the same; And whereas sundry Frauds have been committed therein to the great Prejudice and Loss, of His Majesty's Revenue.

Be it therefore enacted, That from and after the Publication hereof, the Master of any Ship or Vessel importing any Wines, Beer, Rum, or other distill'd Spirituous Liquors as aforesaid, shall be liable to pay or secure to be paid in manner as is directed in and by an Act made and pass'd in the third Year of His Majesty's Reign, Intituled, *an Act for altering and amending several Acts of this Province, relating to the Duties of Impost upon Wines, Beer, Rum, and other distilled Spirituous Liquors*, the whole duties of Impost on all such Wines, Beer, Rum, or other distill'd Spirituous

(87.)

Spirituous Liquors, as shall be contained in his, or their, Report to the Collector or Receiver, or Collectors or Receivers, of the said Duties.

Provided *always*, That there shall be allowed on all such Wines, Beer, Rum, or other distilled Spirituous Liquors, on their being exported out of the said Province, a drawback of the whole Duties paid or secured to be paid on said Wines, Beer, Rum, or other distilled Spirituous Liquors, except one Penny per Gallon, on their producing a Certificate, as is prescribed by the afore recited Act; and together with such Certificate, there shall be produced an Affidavit made by the exporter, before some Magistrate of the port or place where the said Wines, Beer, Rum, or other distilled Spirituous Liquors shall have been landed, that the same was *bona fide* landed there according to the Tenor of the said Certificate.

And be it further enacted, That all Fines and Penalties incurred by this Act, shall be applied and disposed of in manner as in the beforementioned Act is directed.

Published according to Law the 10th Day of April 1764



An Act for preventing abatement and discontinuance of Suits.

***** *E* it enacted by the Lieutenant-Governor, Council, and Assembly, That in all Actions to be commenced in any Court of Record, from and after the first Day of June next ensuing, if any Plaintiff happen to die after an interlocutory Judgment and before a final Judgment obtained therein, the said Action shall not abate by reason thereof, if such Action might be originally Prosecuted, or maintained by the Executors or Administrators of such Plaintiff; and if the Defendant Die after such interlocutory Judgment and before final Judgment therein obtained, the said Action shall not abate, if such Action might be originally Prosecuted, or maintained against the Executors or Administrators of such Defendant; and such Court is hereby empowered to try the said Action, and to determine and give Judgment thereon, in the same manner as if the said Suit had been commenced by, or against such Executors or Administrators, as in right of their Testator or Intestate.

And be it further enacted by the Authority aforesaid, That if there be two or more Plaintiffs or Defendants and one or more of them should die, if the cause of such Action, shall survive to the surviving Plaintiff, or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action

Aⁿ ion shall not be thereby abated ; but such death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

And be it further enacted, That in all actions personal and real, or mixt, the Death of either Party between the Verdict and the Judgment shall not hereafter be alledged for Error, to as such Judgment be entered within two terms after such Verdict.

And be it further enacted, by the Authority aforesaid, That where any Judgment after a Verdict shall be had by, or in the Name of any Executor or Administrator : in such case an Administrator *de bonis non* may sue forth a Scirefacias, and take Execution upon such Judgment.

And be it further enacted, That no Process or Suit before any Justices of Assize, Goal delivery, Oyer and Terminer, Justices of Peace or other Commissioners, shall be discontinued by the making and Publishing of any new Commission or Association, or by altering the Names of the Justices of Assize, Goal Delivery, Oyer and Terminer, Justices of Peace or other Commissioners, but such new Justices of Assize, Goal Delivery, and of the Peace and other Commissioners, may proceed as if the former Commissions, Justices or Commissioners, had remained and continued without alteration.

Published according to Law the 10th, Day of April 1764.

AN ACT for discontinuing part of the Bounties and Premiums, granted by former Laws of this Province.

An Act for discontinuing part of the Bounties and Premiums, granted by former Laws of this Province.

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WHEREAS the Sums demanded for Bounties, and Premiums, have greatly exceeded the Funds appropriated for their Payment ; and whereas for the support of the publick Credit, the Legislature of this Province have been obliged to borrow several Sums of Money at a high Interest, to pay off the said Bounties, and Premiums, and other contingent expences of Government ; and whereas the publick Debt will be greatly augmented, by the Demands that will be made for the growing Bounties and Premiums, not yet expired : in order therefore the better to enable the Government to pay off, and satisfy the public Creditors, and the sooner to relieve the Province from the present Load of Debt.

Be it enacted, by the Lieutenant Governor Council and Assembly, That from and after the Publication hereof, all Bounties and Premiums whatsoever, which have heretofore been granted by any Law of this Province, shall absolutely cease and determine, (except only the Bounty for building Stone Walls on the Peninsula of Halifax,) any thing to the contrary in any wise notwithstanding.

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An Act to empower the Province Treasurer to borrow a Sum not exceeding the Sum of *Two Thousand Nine Hundred Pounds*, for paying off Bounties, Premiums, and other Debts, payable by the Laws of this Province.

WHEREAS the Act made and pass'd in the present Year of His Majesty's Reign, Intituled an Act to empower the Province Treasurer to borrow a Sum not exceeding the Sum of Four Thousand Pounds, for paying off Bounties, and Premiums, and other Debts payable by the Laws of this Province, has been found insufficient to answer fully the several demands intended, as on a report from the Treasurer, it appears that there are Debts to a considerable amount which remain yet unsatisfied, and therefore not upon a footing as to Interest with the other Creditors of the Province.

Cap. 7

Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That the Treasurer of the Province be and is hereby empowered and directed to borrow from such Person or Persons as shall be willing to lend the same, a Sum not exceeding *Two Thousand Nine Hundred Pounds*; And the Sum so borrowed shall be applied in manner as in this Act is hereafter directed, and for any Sum or Sums so borrowed the Treasurer aforesaid, shall give his Receipt or Obligation in the form following.

PROVINCE Nova Scotia the Day of

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Received of the Sum of for the use
 " and Service of the Province of Nova Scotia, and in
 " Behalf of said Province, I do hereby promise and oblige
 " myself, and Successors, in the Office of Treasurer to repay
 " the said or Order the Day of the
 " aforesaid Sum of with Interest at the Rate of Six
 " Pounds per Centum per Annum. Witness my Hand

And be it further enacted, That all Receipts so issued by the Treasurer of the Province, shall according to the Tenor thereof, bear an Interest at the Rate of Six Pounds per Centum per Annum, and to in proportion for a greater or lesser Sum: and the Treasurer is hereby directed to give his Receipt

Receipt or Receipts for any Sum or Sums, (provided the same be not less than Twenty Shillings) at the option of the Lender, or Person intitled to the same.

And be it also further enacted, That the Sum so borrow'd, shall be applied to the Payment and discharge of the Bounty Certificates and Premiums, and of all other Debts which are or shall become due and payable by the Laws of this Province, and the Expenses of the Council, and House of Assembly, which pass by Votes of the respective Houses,

Provided, That the Accounts and Vouchers of all such separate Debts shall be first regularly audited, and Certified to be justly due.

Provided also, That if the Province Treasurer should (by a Scarcity of Money) not be able to borrow the Sum intended by this Act, that then and in such Case, any Person or Persons who shall present Bounty Bills, or Accounts of Money due, or Votes as aforesaid; said Bounty Bills, Accounts or Votes may be received by the Treasurer, who is hereby directed to give his Receipt or Receipts for the said Sum or Sums, bearing Interest in manner herein directed.

And provided always, and be it further enacted, That if there should not be Money sufficient in the Treasury, to discharge the several Receipts so issued, when the same become payable, that then in such case the Treasurer is hereby authorised and directed to pay off the Interest, as the same becomes annually due, out of such Monies as may then be in his Hands arising from the Duties of Impost and Excise.

And WHEREAS the Act, Intituled, *an Act to empower the Province Treasurer, to borrow a sum not exceeding the sum of Four Thousand Pounds for paying off Bounties, Premiums, and other Debts, payable by the Laws of this Province,* has been found insufficient to discharge the whole of the Bounties; and Premiums, and other Debts that were to have been discharged with the Money borrow'd by the said Act, as sundry of the said Bounty, and Premium, Certificates, and other Debts are still outstanding, and whereas it is reasonable that such Certificates or other Debts, should bear Interest as they could not then be paid.

Be it further enacted, That the Treasurer aforesaid, shall state and allow Interest for all such Certificates and outstanding Debts, in the manner as prescribed by the said Act.

And be it further enacted, That all Monies, which may be collected by Virtue of the several Laws of this Province, and which are appropriated for the Payment of Bounties, Premiums, and other Accounts of Money due as aforesaid, over and above what will pay the Interest of Money borrow'd by the Government, shall (after discharging the former Loan Creditors) be applied for paying off the Receipts, given by the Treasurer for Monies borrow'd, or Bounty and Premium Certificates receiv'd in by Virtue of this or the afore recited Act.

Published according to Law the 10th Day of April, 1764.

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At the GENERAL - ASSEMBLY of
the Province of Nova - Scotia,
begun and holden at Halifax, on
Wednesday the First Day of July
1761, in the First Year of His
Majesty's Reign, and there con-
tinued by several Prorogations
until Friday the 22^d Day of Oc-
tober, 1764, in the Fourth Year
of His Majesty's Reign.

AN ACT

For Reformation of Joyns and Misdemeanors,
and to prevent Arrears and Reversals of Judg-
ments and for the better Advancement of
Justice.

Enacted by the Governor, Council and Assembly,
That if any Issue be tried by the Oath of twelve or more in-
different Men for the Party, Plaintiff or Defendant, or for
the Party, Tenant or Defendant, in any Court of Record, or
Justice or Justice, by which Justice should be given, shall
be null and void.

Cap. 1

proceed and give Judgment in the same. Any Mispleading, want of Colour, insufficient pleading or Jesuit, any Miscontinuance or Discontinuance or misconveying of Process, misjoining of the Issue, want of Warrant of Attorney for the Party, against whom the same Issue shall happen to be tried, or any other Default or Negligence of any of the Parties, their Counselors or Attornies had or made to the contrary notwithstanding, and the said Judgment shall stand according to the said Verdict, without Reversal by Writ of Error or false Judgment; Provided, that in avoiding of Errors through the Negligence of Attornies, every Person named as Attorney in Actions and Suits pleaded to issue, shall from Time to Time deliver, or cause to be delivered his or their sufficient and lawful Warrant of Attorney, to be entered of Record, for every of the said Actions or Suits wherein they be named Attornies, to the Clerk of the Court; That is to say, The Attorney for the Plaintiff or Demandant, shall file his Warrant of Attorney as aforesaid, the same Term he declares, and the Attorney for the Defendant or Tenant, shall file his Warrant, the same Term he appears, upon pain of forfeiting unto our Sovereign Lord the KING, the Sum of Five Pounds, for not delivering the said Warrant of Attorney, to be recovered by Action of Debt, Bill, Plaint or Information.

And be it further enacted, That after Verdict as aforesaid, the Judgment thereupon shall not be stayed or reversed, for any Defect in Form in any Writ Original, Judicial, Count declaration Bill, Plaint, Suit or Demand, or any Variance in Form only between the Original or Bill, and the Declaration or Plaint or for want of any Writ, Original or Judicial, or for any imperfect or insufficient Return of any Sheriff or other Officer.

And be it further enacted, That after Verdict, Judgment thereupon shall not be stayed or reversed for want of an appearance of any Life or Lives, so as the said Person be proved to be alive, or for wanting the Venire facias to a wrong Officer upon any insufficient suggestion, or because the Visne is in some Part miswarded or sued out of more or fewer Places than it ought to be, so as some one Place be right named, or for misnaming any of the Jurors in Surname or Addition in any of the Writs or Returns thereof, so as it be proved to be the same Man that was meant to be returned, or by reason that there is no Return upon any of the said Writs, so as a Panel of the Names of Jurors be returned and annexed to the said Writ, or for that the Sheriff or other Officer, being having the Return thereof, is not set to the Return of any such Writ, so as it be proved that the said Writ was returned by such Officer, or by reason that the Plaintiff in any Escheator's fine, or in any personal Action or Suit being an Infant under the Age of One and Twenty Years, did appear by Attorney therein, and the Verdict passed for him.

And be it further enacted, That Judgment shall not be stayed or reversed after Verdict, for want of Pledges, or but one Pledge to prosecute, returned upon the original Writ, or because the Name of the Sheriff is not returned on the Original Writ, or for want of enter-

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ing into Court any Bond, Bill, Indenture, or other Deed mentioned
in the Declaration or other Pleading, or for want of Allegation of bring-
ing into Court any Letters Testamentary, or Letters of Administration, or
for Omission of by Force and Arms, and against the Peace, or for mis-
taking the Christian Name or Surname of the Plaintiff or Defendant, De-
mandant or Tenant, Sum or Sums of Money, Day, Month or Year, by
the Clerk in any Bill, Declaration or Pleading, where the right Name,
Surname, Sum, Day, Month or Year in any Writ, Plaint, Roll or Record
proceeding, or in the same Roll or Record, where the Mistake is committed,
is, or are once truly and rightly alledged, whereunto the Plaintiff might
have demurred, and shewn the same for Cause, not for want of Aver-
ment of *This be it ready to verify*, or for, *This be it ready to verify by*
Record, or for not Alledging, *As it appears by Record*, or for, *That*
there is no right Venue, so as the Cause were tried by a Jury of the
proper County or Place, where the *Action* is laid nor for that the Increase
of Costs after a Verdict in an *Action*, or upon a Non Suit in Replevin, are
not entered to be at the request of the Party, for whom the Judgment
is given, nor by reason that the Costs in any Judgment whatsoever, are not
entered to be by consent of the Plaintiff, but that all such Omissions,
Variances, Defects and all other Matters of *substantive* nature, not being
against the Right of the Matter of the Suit, nor whereby the Issue or
Trial are altered, shall be amended by the Justices or other Judges of the
Courts where such Judgments are or shall be given, or whereunto the
Record is, or shall be removed by Writ of Error, or by Appeal in any
Admiral, personal or mixt, according to the Usage and Course of pro-
ceedings in this Province.

And be it further enacted, That where any Demurres
shall be joined, and entered in any *Action* or Suit in any Court of Re-
cord within this Province, the Judges shall proceed and give Judgment,
according as the very right of the Cause and Matter in Law shall appear
unto them, without regarding any Imperfection, Omission or Defect in
any Writ, Return, Plaint, Declaration or other Pleading, Process or
Course of Proceeding whatsoever, except those only which the Party
Demurring shall specially and particularly set down and expresse together
with his Demurres, as Causes of the same, although such Imperfection,
Omission or Defect be Matters of *Substantive*, so as sufficient Cause ap-
pear in the said Pleadings, upon which the Court may give Judgment,
according to the very Right of the Cause, and therefore no Advantage
or Exception shall be taken of, or for an immaterial Traverse, or of, or for
the Default of entering Pledges upon any Bill or Declaration or of of
for the Default of Alleging the bringing into Court any Bond, Bill, In-
denture or other Deed whatsoever mentioned in the Declaration or other
Pleading, or of of for the Default of Alleging the bringing into Court
Letters Testamentary or Letters of Administration, or of of for the O-
mission of, by Force and Arms, and against the Peace or either of them;
or of, or for the want of Averment of *This be it ready to verify*, or of,
This be it ready to verify by Record, or of, or for not alledging, *As it ap-
pears by the Record*, (but the Court shall give Judgment according to the

very

very Right of the Cause as aforesaid: without regarding any such Super-
sessions, Omissions and Defects, or any other Matter of what Nature,
except the same shall be specially, and particularly set down and shown
for Cause of Demurrer.

And be it further enacted, That no Judgment entered
upon Confeſſion, Nihil debet, or Nil ſum informatus, in any Court of
Record shall be reversed, nor any Judgment upon any Writ of Inquiry of
Damages executed thereon be ſet aſide or reversed, nor of by reason of any
Imperfection, Omiſſion, Defect, Error, or Thing whatsoever, which by
force of this Act would have been aided and confirmed as ſpecialty, in case a
Verdict of twelve Men had been given in the ſaid Action or Suit, ſo as
there be an Original Writ or Bill, and Warrant of Attorney duly ſhewn
as by this Act is directed.

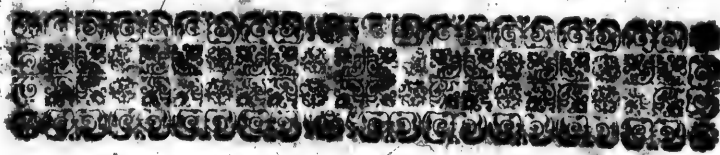
And be it further enacted, That this Act shall extend in
all Points as aforesaid to all Suits in any Court of Record, for recovery
of any Debt immediately owing, or any Revenue belonging to his Ma-
jesty, his Heirs or Successors.

**Provided always, and be it enacted by the Authority
ſaid,** That nothing in this Act before contained, shall extend
to any Writ, Diligence or Suit, or Appeal or Felony of Murder, or to
any Indictment or Presentment of Treason, Felony, or Murder, or other
Matter, or to any Process upon any of them; or to any Writ, Bill, Action
or Information upon any Penal Statute.

And be it further enacted, That no Dilatory Plea shall
be pleaded in any Court of Record, upon the Party opposing such Plea
to by Motion, prove the Truth thereof, or show some probable Matter
to the Court to induce them to believe that the Fact of such Dilatory
Plea is true.

Enacted according to Law, the 20. Day of November, 1764.

An



An *Act* in further Addition to an *ACT*, made and passed in the XXXIII. Year of his late Majesty's Reign, intituled, *An Act for regulating Petty Juries, and declaring the Qualification of Jurors.*

WHEREAS the *Act* made and passed in the XXXIII. Year of His late Majesty's Reign, intituled, an *ACT for regulating Petty Juries, and declaring the Qualification of Jurors*; And also an *ACT in Addition to the said Act*, are confined to the County of HALIFAX only, and as it is expedient and necessary, that the same should be extended to all the other Counties within this Province.

Cap. 2

BEFORE it therefore enacted by the GOVERNOR, COUNCIL, and ASSEMBLY, That the several Clauses, Matters and Things specified in the *Act* made and passed in the XXXIII. Year of His late Majesty's Reign, intituled, an *ACT for regulating Petty Juries, and declaring the Qualification of Jurors*, and also in an *Act* made and passed in the same Year, intituled, an *ACT in Addition to an Act, intituled, An Act for regulating Petty Juries, and declaring the Qualification of Jurors*, and all the Directions therein contained, shall for the Future, extend and be construed to extend to all the other Counties in this Province.

Enacted according to Law, the 9th Day of November, 1764.



An Act to empower the Province Treasurer, to issue small Notes for discharging the Loans made in Virtue of an Act, made and passed in the first Year of His Majesty's Reign, intituled, An Act for the Relief of the Poor of the Town of Halifax, and indigent Persons in the New-Settlements; and of an Act made and passed in the IId. Year of His Majesty's Reign, intituled, An Act to enable the Governor, Lieutenant Governor, or Commander in Chief, to borrow the Sum of £4,500. for paying off the Publick Debts, and to postpone the Payment of Bounties and Premiums.

Cap. 3.

WHEREAS it has been represented, that the Persons who now possess Warrants, for the several Sums of Money borrowed in virtue of an Act, made and passed in the First Year of His Majesty's Reign, intituled, an Act for the Relief of the Poor of the Town of HALIFAX, and indigent Persons in the New-Settlements, and of an Act made and passed in the Second Year of His Majesty's Reign, intituled, an Act to enable the Governor, Lieutenant Governor, or Commander in Chief, to borrow the Sum of £4,500. for paying off the Public Debts, and to postpone the Payment of Bounties and Premiums, labour under great Inconveniencies, on Account of the largeness of the Sums expressed in those Warrants, for Remedy Whereof.

B E

E it enacted by the GOVERNOR, COUNCIL and ASSEMBLY, That the *Treasurer* of the Province be, and he is hereby impowered, and directed to take up, and receive all such *Warrants* for Money borrowed as aforesaid, and in Lieu thereof, to give Receipts in Manner as is prescribed by an ACT made and passed in the Fourth Year of his MAJESTY's Reign, intituled, an ACT to impower the *Province Treasurer* to borrow a Sum not exceeding the Sum of £2,900. for paying off *Bounties*, *Premiums*, and other Debts payable by the *Laws* of this Province.

And be it further enacted, That all Receipts so Issued by the *Treasurer* of the Province, shall according to the Tenor thereof, bear an Interest, at the Rate of Six Pounds per Centum, per Annum, and so in Proportion for a greater or lesser Sum, and the *Treasurer* is hereby directed to give his Receipt or Receipts for any Sum or Sums, (provided the same be not less than twenty Shillings, at the Option of the Person or Persons possessed of the *Warrants* herein mentioned, and to date those Receipts to given, on the Day following the Day to which the Interest due on such *Warrants* was paid.

And be it enacted, That all *Warrants* brought into the *Treasury* as aforesaid, and for which, Receipts shall be given, in pursuance of this ACT, shall be cancelled by such Commissioners as shall be appointed by the GENERAL ASSEMBLY.

Provided always, and be it enacted, That all Receipts to be issued by the *Treasurer* in pursuance of this ACT, shall be entered with the *Clerk* of the *Audits*, before they are issued from the *Treasury*.

And be it also enacted, That all Receipts already issued by the *Treasurer* in pursuance of the former Loan ACTS, shall be entered with the *Clerk* of the *Audits*, before any further Interest is paid thereon.

Published according to Law the 7th. Day of November 1764.



An Act to repeal Part of an Act made and passed
in the 11th Year of His Majesty's Reign, in-
titled, *An Act to prevent Frauds in the selling
of Beef, Pork, Flour and Biscuit or Ship Bread
in Casks.*

Cap. 4.
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Printed by
His Majesty's
Council
1766

WHEREAS several Inconveniencies and Difficulties have
arisen, in carrying into Execution the first Clause of
an Act, made and passed in the Third Year of His Majes-
ty's Reign, intituled an Act to prevent Frauds in the selling
of Beef, Pork, Flour and Biscuit or Ship Bread in Casks,
whereby it is enacted, That all Casks of Beef and Pork,
which shall be sold, exposed to Sale, or bartered, or bar-
gained for, in any Way or Manner whatsoever within this
Province; shall contain, if the Produce of AMERICA, not
less than Two Hundred and Twelve Pounds of neat Meat,
and if from IRELAND, Two Hundred Pounds of neat Meat.

It is therefore enacted by the GOVERNOR, COUNCIL
and ASSEMBLY, That from and after the Publication hereof,
the said first Clause in the said Act, intituled, *An Act to pre-
vent Frauds in the selling of Beef, Pork, Flour, Biscuit or
Ship Bread in Casks*, and every Part thereof, be and the same is hereby
repealed.

*Provided always, That nothing herein contained, shall
have any Force or Effect, until His Majesty's Pleasure herein shall be
known.*

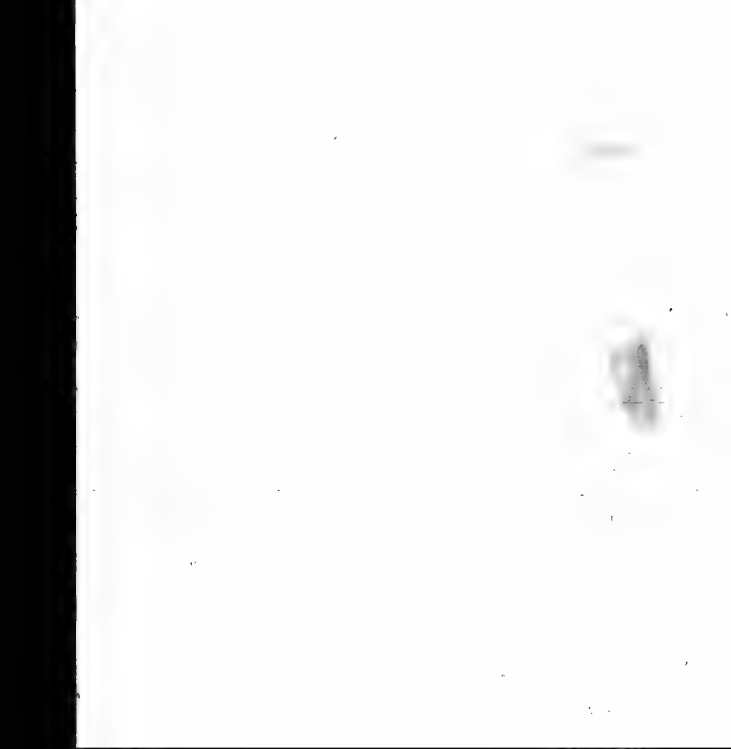
Published according to Law, the 7th. Day of November, 1764.

An Act in further Addition to, and Amendment of an Act, intituled, *An Act relating to the Affixe of Bread, and for ascertaining the Standard of Weights and Measures made and passed in the XXXII. Year of His late MAJESTY's Reign.*

WHEREAS by the Act made and passed in the Thirty Second Year of His late MAJESTY's Reign, intituled, *an Act relating to the Affixe of Bread, and for ascertaining the Standard of Weights and Measures, no Person or Persons are properly empowered to inspect into the Affixe of Bread, and prosecute Offenders against the said ACT, except the Clerks of the Market.* Cap. 5.

IT is therefore enacted by the GOVERNOR, COUNCIL, and ASSEMBLY, That on Complaint being made to any one of His MAJESTY's *Justices of the Peace*, by any Person or Persons of any Bread being deficient in the Weight, as required and directed in, and by the afore-recited ACT, and upon Proof thereof, or upon the View of any one of His MAJESTY's *Justices of the Peace*, it shall and may be lawful for such *Justice*, to order all such Bread as shall be found deficient in the Weight as aforesaid, to be seized and to be applied, and distributed in Manner as by the aforesaid ACT is prescribed, and the Person offending herein, shall also forfeit and pay the Sum of *Twenty Shillings*, for each and every Offence, to be levied by *Warrant of Distress*, and for want of sufficient *Distress*, the Offender to be committed to Goal for a Time not exceeding ten Days, or untill he pay the Fine aforesaid, which Fine shall be applied in the same Manner as the Bread, declared to be forfeited by the said ACT, is directed to be applied.

Published according to Law the 9th. Day of November 1764.



An Act to empower the Province Treasurer to borrow a Sum not exceeding the Sum of Fifteen Hundred Pounds, for paying off the Debt incurred by making Roads into the interior Parts of this Province, and for further prolonging An ACT made and passed in the Third Year of his MAJESTY's Reign, intituled, An ACT for suppressing unlicensed Houses, and granting to His MAJESTY a Duty on Persons hereafter to be licensed.

cap. 6.

Temp.
Gen. 6.

WHEREAS the Duties arising from an ACT made and passed in the Third Year of his MAJESTY's Reign, intituled, An ACT for suppressing unlicensed Houses, and granting to His MAJESTY a Duty on Persons hereafter to be licensed, were appropriated for the making Highways, Roads and Bridges, and keeping the same in Repair

And whereas the aforesaid Fund has been found insufficient to answer the present Demand, for making and repairing Roads into the interior Parts of the Province.

E it therefore enacted, by the GOVERNOR, COUNCIL and ASSEMBLY, That the Treasurer of the Province be, and he is hereby empowered and directed to borrow from such Person or Persons, as shall be willing to lend the same; a Sum not exceeding the Sum of Fifteen Hundred Pounds, and the Sum so borrowed, shall be applied in Manner as in this ACT, is hereafter directed, and for any Sum or Sums so borrowed, the Treasurer aforesaid, shall give his Receipt or Obligation in the Form and Manner as is prescribed by an ACT made and passed in the Fourth Year of His MAJESTY's Reign, intituled, *An ACT to empower the Province Treasurer*

urer to borrow a Sum not exceeding the Sum of Two Thousand Nine Hundred Pounds, for paying off Bounties, Premiums and other Debts, payable by the Laws of this Province.

And be it further enacted, That all Receipts so issued by the Treasurer of the Province, shall according to the Tenor thereof, bear an Interest at the Rate of Six Pounds per Centum, per Annum, and so in Proportion for a greater or lesser Sum, and the Treasurer is hereby directed to give his Receipt or Receipts for any Sum of Sums, (provided the Sum be not less than Twenty Shillings,) at the Option of the Lender or Person intitled to the same.

And be it also further enacted, That the Sum so borrowed, shall be applied to the Payment and Discharge of the Debts, incurred in making Highways, Roads and Bridges into the interior Parts of the Province.

Provided also, That if the Province Treasurer should (by a Scarcity of Money,) not be able to borrow the Sum intended by this ACT, that then and in such Case, any Person or Persons who shall produce any Orders or Warrants from the GOVERNOR for the Payment of the Debts incurred as aforesaid, such Orders or Warrants shall be received by the Treasurer, who is hereby directed to give his Receipt or Receipts, for the Sum or Sums therein Specified, bearing Interest in Manner herein directed.

And provided always, and be it further enacted, That if there should not be Money sufficient in the Treasury to discharge the several Receipts so issued, when the same become payable, that then and in such Case, the Treasurer is hereby authorized and directed to pay off the Interest, as the same becomes annually due out of such Monies as may then be in his Hands, arising from the Duties aforesaid.

Provided also, and be it enacted, That all Receipts to be issued by the Treasurer in pursuance of this ACT, shall be entered with the Clerk of the Audits, before they are issued from the Treasury.

And be it enacted, That for the better securing the Payment of the principal and Interest of the Money to borrowed as aforesaid, that the ACT, intituled, *An Act for suppressing unlicensed Houses, and granting to His MAJESTY a Duty on Persons hereafter to be licensed,* And every Clause, Article and Matter therein contained, be, and continue in full Force and Effect for the Term of Two Years, from and after the Expiration of the Time limited by the said ACT, and untill the End of the Session of the GENERAL ASSEMBLY then next following.

Published according to Law, the 7th. Day of November, 1764.

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An ACT to empower the Province Treasurer to borrow a Sum not exceeding the Sum of Two Thousand Five Hundred Pounds, for paying off Bounties, Premiums and other Debts payable by the Laws of this Province.

Cap. 7.

WHEREAS there are sundry Bounty Certificates, Premiums and other Debts, payable by the Laws of this Province, still remaining unpaid.

BE it therefore enacted, by the GOVERNOR, COUNCIL, and ASSEMBLY, That the Treasurer of the Province be, and he is hereby empowered and directed, to borrow from such Person or Persons as shall be willing to lend the same, a Sum not exceeding the Sum of Two Thousand Five Hundred Pounds, and the Sum so borrowed, shall be applied in Manner as in this ACT is hereafter directed, and for any Sum or Sums so borrowed, the Treasurer aforesaid, shall give his Receipt or Obligation in the Form prescribed by an ACT, intituled, *An ACT to empower the Province Treasurer to borrow a Sum, not exceeding the Sum of Two Thousand Nine Hundred Pounds, for paying off Bounties, and Premiums and other Debts payable by the Laws of this Province.*

And be it further enacted, That all Receipts so issued by the Treasurer of the Province, shall according to the Tenor thereof, bear an Interest at the Rate of Six Pounds, per Centum per Annum, and so in Proportion, for a greater or lesser Sum, and the Treasurer is hereby directed to give his Receipt or Receipts for any Sum or Sums (provided the same be not less than Ten Shillings) at the Option of the Lender or Person intituled to the same.

And be it also further enacted, That the Sum so borrowed shall be applied to the Payment and Discharge of the Bounty Certificates and Premiums, and of such other Debts which are, or shall become due, and payable by the Laws of this Province, and the Expenses of the

the Council and House of Assembly, which pass by Votes of the respective Houses.

Provided, That the Accounts and Vouchers of all such separate Debts shall be first regularly audited and certified to be justly due.

Provided also, That if the Province Treasurer should (by a Scarcity of Money) not be able to borrow the Sum intended by this ACT, that then and in such Case, any Person or Persons who shall present Bounty Bills or Accounts of Money due, or Votes as aforesaid, the said Bounty Bills, Accounts, or Votes may be received by the Treasurer, who is hereby directed to give his Receipt or Receipts for the said Sum or Sums, bearing Interest in manner herein directed.

And provided always, and be it further enacted, That if there should not be Money sufficient in the Treasury, to discharge the several Receipts so issued, when the same become payable, that then in such Case, the Treasurer is hereby authorized and directed to pay off the Interest, as the same becomes annually due, out of such Monies as may then be in his Hands, arising from the Duties of *Import and Export*.

And whereas the former Acts, empowering the Province Treasurer to borrow Monies to pay off the Bounties, Premiums, and other Debts payable by the Laws of this Province, have been found insufficient to discharge the whole of the Bounties, and Premiums and other Debts, which were to have been discharged with the Money borrowed by the said ACTS, as sundry of the said Bounty and Premium Certificates and other Debts are still outstanding; and whereas it is reasonable, that such Certificates or other Debts should bear Interest, as they could when then be paid.

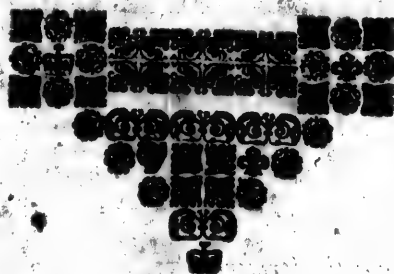
Be it enacted, That the Treasurer aforesaid, shall state and allow Interest for all such Certificates and outstanding Debts in the Manner as prescribed by the said ACTS.

Provided always, and be it enacted, That all Receipts to be issued by the Treasurer in Virtue of this ACT, shall be entered with the Clerk of the Audits, before they are issued from the Treasury.

And be it further enacted, That all Monies which may be collected by virtue of the several Laws of this Province, and which are appropriated for the Payment of Bounties, Premiums and other Accounts of Money due as aforesaid, over and above what will pay the Interest of Money borrowed by the Government, shall (after discharging the

the former Loan Creditors,) be applied for paying off the Receipts given by the Treasurer for Monies borrowed, or Bounty and Premium Certificates received in by virtue of this or the said former Act.

Published according to Law, the 7th. Day of November, 1764.



At the GENERAL-ASSEMBLY of
the Province of *Nova-Scotia* be-
gun and holden at *Halifax*, on
Tuesday the 28th of May 1765
in the *Fifth* Year of His Majesty's *St. Geo.*
Reign.

An Act for the Choice of Town Officers and Re-
gulating of Townships.

Whereas the method of nominating the re-
spective *Town Officers* herein after mentioned by
the *Grand Jurors* for the several Counties, as di-
rected by the Laws of this Province, is found in-
convenient. Cap. 1

BE it enacted, by the Governor, Council, and
Assembly, That the *Grand Jurors* for the
several Counties in this Province, at the
Court of General Sessions of the Peace for
each County respectively next ensuing the
Publication of this Act, and hereafter annually
at the *First Sessions* of the said Court, shall nominate out
of every Township in the said County, Ten fit Persons, out

of whom the said Court shall appoint five to be Surveyors of Lines and Bounds of each Respective Township, who are hereby empowered to survey, examine, and ascertain the Lines and Bounds of their said respective Townships, agreeable to the several Grants thereof, and who shall also be Overseers of the poor of said Township, and at the same Time the said *Grand Jury* shall in like manner nominate two Persons, one of whom the Court shall appoint to be Town Clerk of the said Town, who shall be sworn truly to enter, and Record all such Matters and Things, as shall relate to the said Township, and shall appertain to his Office; and shall also nominate four or more *Constables*, of whom the Court shall appoint two or more as they shall see convenient to be *Constables* in the said Township; and also shall nominate *Four Surveyors of Highways*, of whom the said Court shall appoint two to be *Surveyors of Highways* in the said Township; and shall also nominate *Four Fence Viewers* of whom the said Court shall appoint two to be *Fence Viewers* in the said Township, and shall also nominate *Two Clerks of the Market* of whom the said Court shall appoint one to be *Clerk of the Market* in said Township; and shall also nominate *Four Pound Keepers* of whom the said Court shall appoint a sufficient Number in their Discretion to be *Pound Keepers* in the said Township; and shall also nominate *Four or more Cullers and Surveyors of Fish* of whom the said Court shall appoint a sufficient number in their Discretion to be *Cullers and Surveyors of Fish* in the said Township; and shall also nominate *Four Surveyors of Lumber and Cord Wood*, of whom the said Court shall appoint two to be *Surveyors of Lumber and Cord Wood* in the said Township; and shall also nominate *Two Sealers of Leather*, of whom the said Court shall appoint one to be *Sealer of Leather* in the said Township; and shall also nominate *Four Gaugers of Casks*, of whom the said Court shall appoint two to be *Gaugers of Casks* in the said Township; and shall also nominate *Four Hogreaves*, of whom the said Court shall appoint two to be *Hogreaves* in the said Township; who shall respectively be sworn to the faithful discharge of their Duty in manner as is already prescribed, by the Laws of this Province, and shall in every respect

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respect conform to the said Laws, and upon their, or any of their Refusal to accept, or being guilty of any Neglect, or Misbehaviour in the Execution of the Duty of their respective offices they shall forfeit and pay for the Use of the Poor of the said Township, the Sum of *Forty Shillings* for every such Refusal, Neglect or Misbehaviour, to be recover'd upon proof of such Refusal, Neglect or Misbehaviour by the oath of one Credible Witness before any *Two* of his *Majesty's Justices of the Peace*, for the County, wherein such Township lies, to be levied by Warrant of Distress, and Sale of the Offenders Goods and Chattles, any Law, Usage, or Custom to the contrary notwithstanding, and if any Person so nominated and chosen, shall leave the Province, change the Town of his Residence, or happen to die within the Period, for which he was nominated and appointed to serve in any of the said Offices in such Case, any *Two* of his *Majesty's Justices of the Peace* for the County, shall and may nominate and appoint a fit Person or Persons, to serve in such Vacant office, until another shall be nominated by the *Grand Jury*, and appointed by the said *Court of General Sessions*, at their meeting next ensuing such Vacancy.

Provided always, that Nothing in this Act contained shall Extend, or be construed to Extend to restrain any privileges, that may hereafter be granted by any Charter of Incorporation to any Town or Towns within this Province,

And for the better Regulating the several Townships in this Province.

Be it enacted, That the original Boundary Lines of each and every Township or District within this Province, shall be run betwixt Township and Township, and marks renewed once in *Three Years*, viz. on the *First Monday* in *March* by the Surveyors of Lines and Bounds appointed for the respective Townships, as directed by this Act or the Major part of them, and the Persons so appointed for each respective Township are hereby empower'd and directed to give *Six Days* notice to the Persons appointed for the adjacent Townships,

of

of the Time and Place of Meeting for such Survey, and any Person or Persons appointed as aforesaid, refusing or neglecting to attend at the Place mentioned in such Notice, being duly served therewith shall forfeit and pay the Sum of *Forty Shillings*, each to be recover'd on Complaint before any two of his *Majesty's Justices* for the County, where such Complaint shall be made, and one half of the said Forfeiture, shall be paid to the Person or Persons, who shall Complain and prosecute for the same, and the other half to the Overseers of the Poor for the use of the Poor of such Towns, from whence the Complaint was made, and whenever the Surveyors of any Township, which shall have had Notice as aforesaid, shall refuse or neglect to attend the said Business, the Surveyors who shall have given such notice shall, and they are hereby impower'd to proceed in running and marking such line, which shall be as effectually as if the Surveyors of both Townships had join'd.

And be it further enacted, That each and every Proprietor of Lands laying unfenced, or in any Common Field, shall once in *Two Years* on *Six Days* notice given him, his Agent, or Attorney by the next Proprietor or Proprietors adjoining, run the lines, make and keep up the Boundaries of such Lands or Common Field by stones or other sufficient marks, and every party so neglecting or refusing, shall forfeit the Sum of *Twenty Shillings*, one half of which shall be to the party complaining, and the other half to the Overseers of the poor for the Use of the Poor of said Township, and to be heard and determined before any one of his *Majesty's Justices of the Peace* within the same County, and the Proprietors of any Field held in Common, whether divided or undivided shall, and they are hereby impower'd to order, improve and fence in such way or manner, as shall be Concluded and agreed upon by the major part of the interested therein, the Voices to be collected and accounted according to their Respective interests, and if any person shall refuse to make, keep up, support, and maintain his *Quota* part or Proportion of such Fence so agreed on to be made, and shall on notice given him for that Purpose by any one of the Proprietors concern'd with him in the said common Field, neglect the same for the space of *Thirty Days*, the *Fence Viewers* shall on Application being made to him, make and set up the deficient Fence, or repair any Fence already made, if in his judgment the same is insufficient, and the Person or Persons, that of Right ought

ought to build and maintain the same, shall pay double the Costs and Charges expended for the doing thereof, and in case of Refusal, such *Fence Viewers* may recover the same before the *Inferior Court of Common Pleas* or before one or two *Justices* according to the value thereof; and the said *Fence Viewers*, shall be allowed *three Shillings per Day* for his own trouble, and Time expended therein.

And if any Person or Person, shall neglect or refuse to comply with any Regulations made by the Proprietors of any common Field as aforesaid, which Regulation shall be made annually, he or they shall forfeit and pay the Sum of *Ten Shillings* for the use of the Poor of the Town where such common Field shall lie, to be Recover'd by the oath of one Credible Witness before any one of his Majesty's Justices of the Peace, for the County wherein such Lands are, to be levied by distress and sale of the Offenders Goods and Chattles, and shall moreover make Satisfaction for all damages, that may have arisen by such Neglect or refusal.

And whereas many inconveniencies have arisen for want of Cattle being branded or otherways mark'd, that run in Common.

Be it enacted, That all and every owner of any horse or horses, neat Cattle, Sheep or Swine; shall brand or otherways mark such horse or horses, neat Cattle, Sheep or Swine, in such manner as that the same may be clearly known, and shall enter such mark or brand with the Town Clerk in a Book to be kept by him for that purpose, and the said Town Clerk shall receive for Recording the said mark or brand the Sum of *Six Pence*.

Published According to Law the 18th Day of June 1765.



An

An Act in Addition to and Amendment of an Act, made and pass'd in the *First* Year of His Majesty's Reign, intituled, *An Act for repairing and mending Highways, Roads, Bridges, and Sreets, and for appointing Surveyors of Highways, within the several Townships in this Province.*

Cap. 2. ~~It is enacted~~ *It is enacted by the Governor, Council, and Assembly,* That where a new Highway or Common Road, from Town to Town, or Place to Place in any County in this Province shall be wanting, and where old Ways with more conveniency may be turned or altered; upon Application made to the Justices in *General Sessions* within the same County, the Court is hereby impowered to appoint *two or three* sufficient Freeholders of the next Town, who shall have most Occasion of the said Way, to enquire into the Necessity and Conveniency thereof, and to make their Report thereon, and being judged to be of common Necessity or Conveniency, the Justices shall order a Warrant to the Provost-Marshal or his Deputy to summon a Jury out of the next Town, to meet at some convenient Day and Place therein mentioned, to view and lay out such *Highways or Roads*, who shall have an Oath administer'd to them by a Justice of the Peace, to lay out such Way, according to the best of their Skill and Judgment, with most Conveniency to the Public, and least Prejudice or Damage to any particular Person; which having done, the Provost-Marshal or his Deputy is to make a Return thereof on the Day appointed by the Court, as well under his own, as the Hands of the Jurors, by whose Oath the same is laid out, to the End the same may be allowed of and recorded, and ~~also known for a public Highway~~, and all public Highways hereafter to be laid out as aforesaid, shall not be less then One Hundred Feet wide.

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Provided, always, and be it enacted, That before such Road or Highway is allowed and recorded for a public Highway, the Court shall cause Notice to be given thereof for the Space of *Thirty Days* to the Intent, that if any Person shall think himself aggrieved thereby, he may make his Complaint thereof, and Inquiry be made into the Cause of such Complaint

And be it further enacted, That the Surveyor of the Highways of each Town respectively, be and are hereby impowered to Lay out particular and private Ways, either open or pent, with Swing-Gates (for such Town only) as shall be thought necessary by the Justices of the Peace in their *General Sessions*, upon Application made to them by the Persons concerned; *Provided*, that no Damage be done to any particular Person in his Land or Property, without due Recompence to be made by the Town, as the Surveyors of the Highways, and the Party interested may agree, or as shall be ordered by the justices in *General Sessions*, upon Inquiry into the same by a Jury, to be summoned for that Purpose.

And be it also further enacted, That if any Person or Persons, shall alter any public Road or Highway, or any private Road, that shall be laid out as aforesaid, or that shall make any Encroachment upon the same, not being first authorised, so to do by due Course of Law; such Persons shall upon Complaint and due proof thereof made before the Court of *General Sessions, of the Peace for the County*, where such Highway lay before it was so altered or encroached upon, forfeit *Five Pounds* to be levied by distress and Sale of the Offenders Goods and Chattles, by Warrant of the Court, who shall hear the said Complaint, and all Forfeitures so to be levied, and shall be paid to the Surveyors of the Highway of the Township, from whence the Fine was levied, to be applied for Repairing Highways, Roads, Streets and Bridges, within the same.

And whereas in and by the Act made and passed by the General Assembly of this Province, in the First Year of his Majesty's Reign, Intituled, an Act for Repairing and mending " Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province, it is among other things enacted That

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" That the Constables of the several Townships in this Province shall in
" Writing (making an equal Division) set out to the Surveyors of High-
" ways the several Roads, Highways and Streets, on which each of them
" shall Respectively Labour, and deliver also a List signed by them of
" such Persons, as shall live within the District, wherein such Highways,
" Roads, or Streets are allotted, to each of them, to be employed by them
" respectively, and who accordingly shall be reputed to be the Person obliged
" by the said Act to Labour."

And whereas it is thought most proper, that the Surveyors of the Highways, should themselves set out the several Roads, Highways and Streets, which require Repair.

Be it therefore Enacted, That the Constables of the several Townships in this Province shall make out a list of all such Persons who are Owners of Teams, Carts, or Trucks, as also of every other Householder and Labourer within their respective Townships, and Deliver the same to the Surveyors of Highways, and at such Time, as the said Surveyors shall judge proper, between the Days prescribed by the afore recited Act the said Constables, shall summon so many of the Persons contained in said Lists, as the Surveyors shall direct from Time to Time.

And be it also enacted, That all Persons able of Body between the Age of Sixteen Years and Sixty shall be oblig'd to Labour at the said Roads, Highways, Streets and Bridges, or procure or pay a proper Person for the same.

Published according to Law the 18th Day of June 1765.

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An Act for empowering the Justices of the Peace
for the County of Halifax, to hold a Court of
Special Sessions of the Peace at Windsor in said
County, for the Townships of Windsor, Onslow,
and Truro.

WHEREAS the great Extent of the County of Ha-
lifax, and the Distance between the Town of Ha-
lifax, and the Townships of Windsor, Onslow, and
Truro, makes the Attendance of Persons Resident
in those Townships; at the General Sessions of the
Peace, held for the said County at Halifax, very
Inconvenient.

It is enacted, by the Governor, Council and
Assembly, That there shall be held and kept within the
Township of Windsor, in the County of Halifax, in
every Year, on the Tuesday of June, and the second
Tuesday of October, a Special Court of General Sessions of
the Peace, and any three or more of the Justices for the County of Hal-
fax, one whereof to be of the Quorum, shall and may hold the said Court,
and such Court shall have, hold, use, exercise and enjoy all and singular
the Powers, which are by Law already given and granted unto Courts of
General Sessions of the Peace, so far as relates to all such Matters and
Things arisen, or which shall arise within the said Townships of Win-
dor, Onslow, and Truro.

Published according to Law, the 18th Day of June, 1763.



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An Act in further Addition to and Amendment of an Act, made pass'd in the 34th Year of his late Majesty's Reign, Intitled, an Act for the appointing Commissioners of Sewers.

Cap. 4.

WHEREAS in the last Clause of an Act made and pass'd by the GENERAL-ASSEMBLY of this Province, in the Third Year of his Majesty's Reign, Intitled, an Act in addition to, and Amendment of an Act, for the appointing Commissioners of Sewers, "IT IS ENACTED, That if any Proprietor or Proprietors of the Lands dyked in or drain'd, are absent, and no Person appearing in their behalf, and have not any Goods or Chatties to answer his, her, or their Dividend or Proportion of such Assessment made as aforesaid, it shall and may be lawful, for any one of his Majesty's Justices of the Peace, for the County, where such Lands lie, to let out any part of such Delinquents Lands, that may be sufficient to pay the by the produce of the same, any such Dividend or Proportion of the Sum so Due."

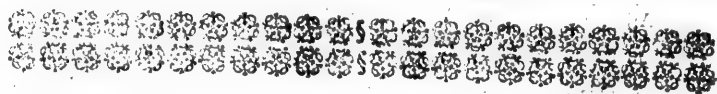
But no Provision is made, to Collect from any Proprietor or Proprietors being present, and not having any Goods or Chatties to answer his, her, or their Dividend or Proportion of any Assessment, made in Virtue of the before-mentioned Act.

E it Enacted by the Governor, Council and Assembly, That any Proprietor or Proprietors of any Lands Dyked in, or Drain'd, as directed in and by the before-mentioned Act, being present and not having any goods or Chatties, to answer his, her, or their Dividend or Proportion of any Assessment made by Commissioners of Sewers according to Law, it shall and may be Lawful, for any one of his Majesty's Justices of the Peace for the County where such Lands lie, to let out any part of such Delinquents Lands, that may be sufficient to pay, by the produce of the same, any such Dividend or Proportion of the Sum so Due.

Provided

Provided always, That if any Proprietor or Proprietors of Lands, let out as aforesaid, shall think himself or herself aggrieved by the proceedings of any Justices of the Peace, in letting out his, her or their Lands as aforesaid, such Proprietor or Proprietors by themselves or their Attornies or Agents, may Complain to the Justices in their General Sessions of the Peace, for said County for Relief therein.

Published According to Law, the 18th Day of June 1765.



An Act to enable the Inhabitants in the several Townships in this Province, (HALIFAX excepted) to cause any absent Proprietor of Lands within the same, to pay a Dividend or Proportion of any County or Town Charge to be assessed according to Law, and to bear their just Proportion in repairing Highways, Roads, and Bridges within the said Townships respectively.

WHEREAS there are many Non-resident Proprietors of Lands within this Province, whose Lands are enhanced in their value by the Labour of those who are present, and the Burthen of the necessary County and Town Charges being heavy on the resident Proprietors.

Cap. 5.

E it enacted, by the Governor Council and Assembly, That each and every non-Resident Proprietor or Proprietors of Lands in any Township within this Province, (the Township of Halifax excepted,) shall pay or Cause to be paid, his, her, or their just Dividend, or Proportion, of all County and Town Charges hereafter to be assess'd in such County and Township, and upon Failure thereof, the same to be recover'd as directed by the Laws, empowering such Assessment, and each and every non-Resident Proprietor or Proprietors of Lands in any Township, shall be obliged to do and perform his,

Provided

her, or their Parts or Proportion of Labour on the *Highways, Roads, and Bridges*, within their Respective Townships, or pay for the same as Delinquent Inhabitants are by law directed.

And be it also enacted, That if any Proprietor or Proprietors of Lands in any Townships as aforesaid, shall be absent, and no Person appearing in their Behalf, on publick Notice being given in the *HALIFAX Gazette*, to pay his, her, or their Dividend or Proportion of any Assessment made in Virtue of any Law of this Province, and to Labour on the *Highways, Roads and Bridges*, as aforesaid, and not having any Goods and Chittles, to answer his, her, or their Dividend, or Proportion of any Charge made as aforesaid, it shall and may be lawful for any one of his Majesty's Justices of the Peace, who are hereby empowered to let out any part of such Delinquents Lands, as may be sufficient to pay by the produce of the same, any such Dividend, Proportion or Charge so due; and in Case the Lands of such Absentee, should not for the present, produce sufficient to pay the *Quota* of his, her, or their Proportion, of such Assessment, that then the Lands of such Delinquent shall be held Chargeable therewith.

Provided always, That if any Proprietor or Proprietors of Lands, let out and held as aforesaid, shall think himself or herself aggrieved, by the proceeding of any Justice of the Peace, in letting out his, her or their Lands as aforesaid, such Proprietor or Proprietors by themselves, or their Attorneys, may Complain to the Justices in their *General Sessions of the Peace*, for said County, for Relief therein.

Published according to Law, the 18th Day of June 1765.



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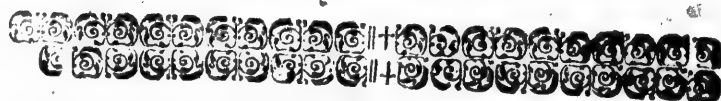
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*An Act for the Raising Money by presentment on
the several Counties in this Province, for the
Defraying Certain County Charges therein men-
tion'd.*



Be it enacted by the Governor, Council, and Cap. b.
Assembly, That from and after the Publication hereof,
it shall and may be lawfull, for the several *Grand Ju-*
ries in each of the several Counties in this Province,
either at the Court of *Affize*, or *General Sessions of the*
Peace held for such County, to present annually a proper and fit Person,
one of the Freeholders of said County, to be a Treasurer for said County
for the Year ensuing, and such Person being approved of, by the Court
shall be Sworn to the due Execution of his Office, and Invested with all
the powers and Trusts, as herein after Directed.

And be it further enacted, That it shall and may be
lawfull for the several *Grand Juries* in each of the several Countie
within this Province, either at the Court of *Affize* or *General Sessions of*
the Peace, held for such County, to make presentment upon proper Re-
presentations made thereon, by *three or more* Freeholders of the said
County, or of their own Knowledge, of all such Sum and Sums of Mo-
ney or Expences, that may be found to have arisen, or that may be ab-
solutely necessary to be Rais'd for the Building or Repairing a County
Goal, or for the Building or Repairing a Court or *Session House*, erect-
ing Stocks, Pillories, or Pounds, and providing Bolts and Shackles, as
also for the Conveying of Persons accused of any Treason or Felony, to the
County Goal, being *Three Miles* distance or upwards, so as the same do
not exceed *Six pence per Mile*; as likewise for the Support of poor Cri-
minals in Goal.

And be it also further enacted. That all Money so
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Rais'd by presentment as aforesaid, and levied from off the Inhabitants of the several Counties, shall be paid into the hands of the County Treasurer, and shall not be applied to any other use, than such for which the same was Rais'd; and if any Person or Persons who shall be appointed in the said presentment and order thereon, to be the Director or Directors, Overseer or Overseers of the Work, or the Distributor or Distributors of the Money hereby Rais'd, for which such presentment was made, shall not at the next *General Assizes or General Sessions* of the County, or in a Reasonable Time to be by them appointed, make appear in his, or their Account or Accounts, with good Vouchers, that the Money so Rais'd and Receiv'd by him or them, shall have been expended pursuant to said Presentment to the use of the County, he or they shall still be Chargeable with the same, and every Person so accountable for any Publick Money, shall when required by the Justices at their *General Sessions* or by the *Judges of Assize* at their *General Goal Delivery*, make up their Accounts on Oath, and if such Accountants shall neglect to make a fair and just Account of all such Publick Money, or shall upon such Accounts be found to have such Money or any part thereof remaining in his, or their hands, such Accountants shall forthwith pay such Money into the Hands of such Persons, as shall by such *Grand Jury* and *Justices of the Peace or Judges of Assize*, be presented, and ordered for the use of such County, where such publick Money shall be Rais'd, and in Default thereof, such Person or Persons so accountable, shall by the *Justices* at their said *Sessions or Judges of Assize* at their *Respective Assizes* be Committed to the Common Goal, in Execution, untill such Account shall be made and Ballance paid, or sufficient Sureties given for the same.

Provided, always, and be it enacted, That no presentment for the Raising Money as aforesaid, shall be confirmed by the *Judges of Assize or the Justices in General Sessions*, until the last day of the sitting of said *Court of Assize or General Sessions of the Peace*, and such presentment so made shall be posted up in the Court House from the time of its being made till the same is confirmed, to the End, that all Persons concern'd may have Notice thereof, and Object against and Traverse the same, if they see Convenient.

And be it further enacted, That it shall be lawful

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ful, for the several *Grand Juries* in each County in this Province, at the *Affizes* and at the *General Sessions of the Peace* to make presentment if they think fit; and for the *Judges* and *Justices* to Confirm the same, for the Raising any Sum not exceeding *Ten Pounds per Annum*, to be paid to the Treasurer of each County for his Services in that Station, and also that it shall and may lawfull, for said *Grand Juries* to present *three* or more good and sufficient Freeholders for every Township in said County; to be Assessors for said Township, who are to be approved of by the Court, and are to be Sworn by the said Court, or before any one of his Majesty's Justices of the Peace, to the due and faithful Execution of the Office to which they are appointed, and that without Favour or Affection, Hatred or Malice, to the best of their Skill and Knowledge, and in case any Person, who may be appointed as Assessor as aforesaid, and shall Refuse to accept the said Office, another Person shall immediately be appointed in his stead by the Court, or by any two of his Majesty's Justices of the Peace, and the Person so Refusing shall Forfeit the Sum of *Forty Shillings*, to be Recover'd by Bill Plaint or Information in any of his Majesty's Courts of Record, or before any *two* of his Majesty's Justices, and be paid to the Treasurer of the County, for the Use of the County, wherein such Assessor was appointed.

And be it also further enacted, That the *Judges of Assize* or *Justices in General Sessions* for Each County, shall agree and determine each Respective Towns Proportion of the Sum so presented and Confirmed by the Court, and the Sum so proportion'd, shall be assessed on the Inhabitants in Each Township, in the Justest and most Equal manner they can devise, and the same shall be levied by the Constables of the said Townships Respectively, by Warrant under the hand and Seal of any *two* of his Majesty's *Justices of the Peace* for the said County, and in Case of Refusal, by Distress and Sale of the Goods and Chattles of the Persons Refusing or Neglecting to pay the Sum Assessed on them as aforesaid, with the Charge of such Distress and Sale, returning the Overplus if any; and in case any Person or Persons shall think themselves aggriev'd by such Assessment or Levying thereof, they shall be at Liberty to appeal to the next *General Sessions* held for the County who are finally to determine the same; and the Money when so Levied,

shall

shall be paid into the Hands of the County Treasurer, who is to pay the same to the Persons, as directed in the Presentment.

And be it enacted, That the Treasurer in each County, shall make up his Accounts upon Oath of all his Receipts and Payments, at every Court of *Affize* or *General Sessions* held for said County, to be approved or disapproved by said Courts, and the same shall be filed in the Office of the Clerk of the Peace for said County; and no Treasurer or other Person or Persons concerned, is to compound for any Money to be Rail'd on said County, nor make any deduction whatsoever for any sum he, or they shall pay to any Person or Persons, but such as he, or they shall Account for by proper Vouchers, and if any Treasurer shall Offend herein; or Neglect to make up his Account as aforesaid, he shall for ever be incapable to serve as Treasurer again, and be Committed to Goal without Bail or main Prize, until he fairly Accounts with the Court of *Affize* or *General Sessions of the Peace* held for such Town or County, and from the said Court to Receive a Certificate of his having paid his Account to their Approbation.

Publis'd according to Law, the 18h Day of June, 1765.



An Act for Regulating Servants.

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WHEREAS great Damage and Inconveniencies have arisen, and Daily do arise by Apprentices and Bound and Hired Servants, Deserting and leaving their Service without a Legal Discharge; for Prevention thereof.

Be it Enacted by the Governor, Council and Assembly, That from and after the Enactment hereof, all Servants Bound by Indenture, or Hired Servants, for any Time not less than Six Months, at the Expiration of the Term for which they were Bound or Hired to Serve, shall have from their Master or Mistress a Certificate

Certificate or Discharge of such Servants having serv'd his or her Time, which shall be a sufficient Warrant for any Person to entertain or take such Servant into his or her Service, and the Person hiring such Servant, shall take his or her Certificate or Discharge, and keep it untill the Time then Contracted for, be expired, and if any Person shall knowingly take into his or her Service, (or knowingly Harbour or Entertain) any Person, who has been in any former Service, without such Certificate or Discharge, such Person being thereof convicted at the *General Sessions of the Peace* held for the County or Place, where such Offence shall be Committed, shall Forfeit *Ten Pounds* to be levied by Distress and Sale of the Offenders Goods and Chattles, by warrant from such *General Sessions*, one Moiety of which Forfeiture, shall be to the Poor of the Township where the Offender resides, and the other Moiety to the informer who, shall Discover and prosecute the same.

Provided always, That in case any Person shall Refuse to give his or her Servant a Certificate or Discharge as aforesaid, such Servant may apply to some Neighbouring *Justice of the Peace* of the County wherein such Master or Mistress inhabits, who shall give Notice to the Master or Mistress of such Servant, and Require from them respectively the Reason, why such Servant is Refused such Discharge and Certificate of his or her Service, and in case no Regard be paid to such Notice within *Five Days*, or that the Justice shall sooner by a Reply to such Notice, find that the cause of the Refusal of such Discharge or Certificate was not sufficient, the said Justice is Required to give a Certificate thereof, or of such Reasons as the Master or Mistress gave for Refusing such Discharge or Certificate, that such Person who is about to hire such Servant, may be apprized of such Servants Behaviour, and Judge thereof before he or she hires such Servant, for which Certificate no Fee shall be paid, and the said Certificate shall be as good as if the same had been given by such Master or Mistress, and any Servant who shall be convicted of counterfeiting or producing a Counterfeited Certificate, under the Hand of any Master or Mistress, or *Justice of the Peace*, by the Oath of one or more Witnesses, or by such Servants own Confession, before two of His Majesty's *Justices of the Peace*, shall be publicly Whipp'd at the Discretion of such *Justices*.

And be it further enacted, That all Bound or Hired Ser-

vants as aforesaid, who shall Desert or absent themselves from their Master or Mistress's Service, shall be liable to make Satisfaction by Service, after the Time by Indenture or agreement is expired, Double their Time of Service so neglected, and if the Time of their Desertion or absence was at Seed Time or Harvest, or During the Fishing Season, and the Charge of Recovering them, Extraordinary, the Court of *General Sessions of the Peace*, before whom the Complaint shall be made, shall adjudge a longer Time of Service proportionable to the Damage the Master shall make appear he hath Sustained.

And Whereas the adjudging the Time such Bound or Hired Servant should Serve is often referred until the Time by Indenture or Agreement is Expired, when the measure of such further Service may be Rendered Difficult to ascertain.

Be it enacted, That the Master or Mistress of any Servant so Deserting or Absenting themselves, that Intends to take the Benefit of this Act, shall so soon as he or she hath Recover'd such Servant, carry him or her to some one of his Majesty's *Justices of the Peace*, and there declare and prove the time of his or her Absence, and the Charge he hath been at in his or her recovery, which Justice thereupon shall Grant his Certificate thereof, and the Court shall and may on such Certificate, pass Judgment for the Time such Servants so Deserting or Absenting themselves, shall serve for his or her Absence.

And be it also enacted, That every Master or Mistress shall provide for his, or her Servant according to the Tenor of their Agreement, and any Bound or Hired Servant as aforesaid, having just cause of Complaint against his or her Master or Mistress, for Cruel and Bad Usage, may and shall on Application to two of his Majesty's *Justices of the Peace*, be heard concerning the same, *Provided* such Complaint be made within a Reasonable Time, not exceeding *Ten Days* after the cause given, unless such Servant is prevented by his or her Master or Mistress or by Sickness, and if the said Justices shall find by sufficient Proof, that the said Servants cause of complaint is well founded, the said Justices are hereby Requir'd to make an order for the Relief of such Servant by Discharging him or her from their Service or otherwise, as they may see fit,

and

and if either party shall not be satisfied with the order of the said *two Justices*, they may appeal to the next Court of *General Session of the Peace*, where the matter shall be finally Determined.

And be it also further enacted, That no Master of any private ship or Vessel of War, or Master of any Merchant Ship or Vessel, coming into, tarrying or abiding in or going forth from any Port, Harbour, or Place within this Province, shall Receive, Harbour, Entertain, Conceal or Secure on Board such Ship or Vessel, or suffer to be there harboured or detained, any Bound or Hired Servant as aforesaid, knowing them to be such, without Licence or Consent of his or her Master or Mistress in Writing, under his or her Hand, first had and obtained, on Pain of Forfeiting *Ten Pounds* for every such Offence, which Forfeiture shall be applied and disposed of, as is directed in, and by the first Clause of this Act, and shall and may be Recover'd by Bill, Plaint or Information in any of his Majesty's Courts of Record in this Province.

" And whereas it often happen's, That Indented apprentices or Servants are Contracted with in Great-Britain, Ireland, or other of his Majesty's Dominions, and imported into this Province, and there assigned over to the Inhabitants thereof, without the Previous Knowledge or Consent of such Apprentice or Servant.

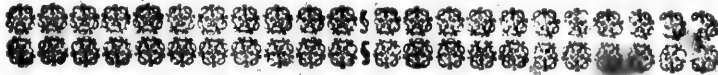
Be it therefore enacted, That before any Inhabitant shall accept of the Assignment of any such Indenture, he shall with the parties go before some one or more of his Majesty's Justices of the Peace, who shall Examine whether the Indenture proposed to be assign'd, be made and Execution agreeable to law, and whether the Apprentice or Servant has any legal Objection to the Assignment thereof, and to determine the Validity of such Objections, a Certificate of which Judgment shall be Recorded by said Justice or Justices.

And be it further enacted, That if any Servant shall engage, and contract himself with any Person or Persons carrying on the the Fishery, in the Capacity of a Saltery Splitter, or Shoresman, and shall upon Trial be found incapable, and unqualified to Discharge the Duty of the Station, for which he shall have contracted himself, such Servant

2u. Act of Parliament for Transportation of Convicts - Stat. 4 Geo. 1. empowering to the Convicts to Contract their Assigns. Act is extended to the Assigns in the same manner.

vant upon due proof of his Incapacity before any one of his Majesty's Justices of the Peace, shall forfeit and loose all Wages due to him, for his Service in such employment, whereof he shall be so found in Incapable.

Published According to Law, the 18th Day of June 1765.



An Act in Amendment of an Act for Confirming Titles to Lands and Quieting Possessions.

Cap. 8.

WHEREAS by a Resolution or Act of the Governor and Council of this Province, made before the Calling a General Assembly, and afterwards Confirmed by the General Assembly of this Province, it is, among other things resolved, That the Register for the Time being or his Deputy, shall be allowed for the Entry of every Memorial as is by this Act directed, to be Registered the Sum of ONE SHILLING and no more, in case the same do not exceed the Two Hundred Words, and if more then after the Rate of Six Pence an Hundred for all the Words Contained in such Memorial over and above the first Two Hundred Words, and the like Fees for the like Number of Words contained in every Certificate or Copy given out of the said Office, and no more and for every Search in the said Office One Shilling and no more.

And whereas by an Act made and pass'd, in the 32d Year of his late Majesty's, Reign, intitled, an Act for Confirming Titles to Lands and Quieting Possessions, it is enacted, That the Register of Deeds and Conveyances in this Province, shall for the future in Lieu of any Memorial, Register, all Deeds and Conveyances in Words at full length, for which he shall Demand and Receive such Fees for Registering, as in like manner hath been heretofore allowed which Fees have been found an insufficient Recompence for the Attendance and Troubles necessarily attending the due Execution of that Office, as required by the aforesaid Acts.

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Be it therefore enacted by the Governor Council, and Assembly, That from and after the Publication hereof, the Register of Deeds and Conveyances in this Province, or his Deputy, shall and may Demand and Receive the Sum of *Two Shillings* for every Deed register'd pursuant to the aforesaid Act, in case the same do not exceed *Two Hundred Words*, and if more, then after the Rate of *One Shilling* for an *Hundred Words*, for all the Words contained in such Deed over and above the first *Two Hundred Words*, and the like Fees for the like Number of Words contained in any Copy, given out of the said Office, and for every Certificate *One Shilling*, and for every Search in the said Office, *One Shilling* and no more, any Law Uluege or Custom to the Contrary notwithstanding.

Published according to Law, the 18th Day of June, 1765.



An Act for the Summary Trial of Actions.

WHEREAS the Trial of Causes in a Summary way has been found useful, and a means of determining many Suits with little Costs.

Cap. 9

Temp.

Be it enacted by the Governor Council and Assembly, That the Supreme Court and the Inferior Courts of Common Pleas within this Province, be and are hereby empower'd in all Causes of Action brought before them, the Sum Total whereof shall not exceed *Ten Pounds*, to proceed in a Summary way by Witnesses, to examine the Merits of such Causes, wherein no Dilatory Plea shall be allowed, and to determine therein according to Law or Equity, and make up Judgment accordingly, subject to a Writ of Error to be brought from the said Inferior Courts of Common Pleas to the Supreme Court, when the Judgment shall exceed *Five Pounds*.

Two Years from 18th June 67

Provided

Provided always, That when on the Examination of the Witnesses (which shall be taken in Writing) the matters of Fact from the Evidence may be doubtfull, in such Case they may order a Jury to Try the same, any former Law of this Province to the contrary notwithstanding.

And be it further enacted, That any one of the Justices of the Supreme Court or Courts of Common Pleas within this Province, is hereby empower'd in all Causes of Action brought before him, where the Debt does not exceed *Ten Pounds*, to take the voluntary Confession of the Debtor for the Sum demanded by the Creditor, as agreed between the Debtor and Creditor, and upon such Confession so made by the Debtor, and the Specialty Contract or Account on which the said Debt arose, being filed with said Justice and a Record made of the same, that then said Justice by whom such Record is made, is hereby empowered to grant execution thereon according to such agreement, upon the Oath of the Creditor, that the Debt is *bona fide* due to him, in the same manner as if the said action had been Tried in either of the said Courts, and that the whole Costs on such Confession and Record of the same, and Execution, shall not exceed *Five Shillings* Exclusive of the *Provost Marshals Fees*; and the Proceeding so had before the said Justice (where the Debt is *Three Pounds* and upwards) shall be filed by him with the Clerk of the Court to which such Justice belongs, that the same may be Recorded therein, and the Clerks Fees for so doing shall not exceed *One Shilling*; and where the Debt is under *Three Pounds*, the Record thereof shall remain with the Justice before whom the Debt was confessed.

And be it further enacted, That all causes where the Sum shall not exceed *Twenty Shillings*, shall be Sued for and Recover'd before one Justice of the Peace, and that all Causes where the Sum shall not exceed *Three Pounds* shall be Sued for, and Recover'd before *Two Justices*, subject to an Appeal as heretofore hath been practised, and they are hereby empower'd to award Execution Returnable to him or them within *Ten Days* after the Date thereof, and if not satisfied he or they may issue out *Alias or Pluries* Returnable Respectively within the Term of *Ten Days* each, and all Writts of Summons issuing from such Justice

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or Justices, shall be made Returnable at least *Seven Days* after their Date, Respectively.

And be it further enacted, That the Form of the Writts to be issued by the Justices of the Peace, for the Recovery of small Debt, shall be by Summons only in the following Form.

County of

To the Provost Marshal or his Deputy greeting.

I N His Majesty's Name you are hereby Comanded to Summon A. B. of if he may be found in your Precinct, *to be and appear before His Majesty's Justice of the Peace for said County, at the Dwelling House of* on Day being the Day of at of the Clock in the Noon, then and there to answer to C. D. of in a Plea of to the Damage of the said C. D. as says the Sum of which will then and there make appear, and do you make due Return of this Summons, with your doings thereon to on or before said Day Witness Hand and Seal this Day of in the Year of His Majesty's Reign, Annoque Domini 17.

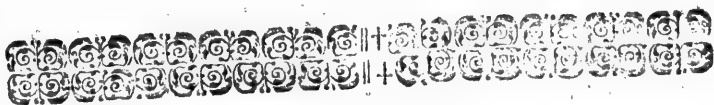
A Copy of which shall be left with the Defendant at his last place of abode at least *Seven Days* before the Trial.

And be it enacted, That all Writs of Execution issued by the said Justices shall run against the Goods and Chattles of the Defendant, and for want thereof to take the Body of the said Defendant.

And be it enacted, That this Act shall continue and be in Force for the space of *Two Years* from the Publication thereof, and from thence to the end of the next Session of the General Assembly.

Published According to Law, the 18th Day of June 1765.

An



An Act to Impower the Province Treasurer to issue Small Notes in Exchange for the Large Notes, that have been issued heretofore in virtue of the several Loan Acts made and pass'd by the GENERAL-ASSEMBLY of this Province.

Cap. 10.

WHEREAS it has been Represented, That the Persons who now Possess Notes for large Sums Borrowed in Pursuance of the several Loan Acts, made and pass'd by the GENERAL-ASSEMBLY of this Province, Labour under great Inconveniencies on Account of the Largeness of the Sums Express'd in these Notes: For Remedy whereof;

 *It is Enacted by the Governor, Council, and Assembly, That the Treasurer of the Province be, and he is hereby Impower'd and Directed, on Application made to him for that purpose, to take up and Receive all such Large Notes for money Borrowed as aforesaid, as shall exceed the Sum of Ten Pounds, and in Lieu thereof, to give Receipts in manner as is prescribed by an Act made and pass'd in the Fourth Year of His Majesty's Reign, Intitul'd an Act to Impower the Province Treasurer to Borrow a Sum not exceeding the Sum of £. 2900 for paying off Bounties, Premiums and other Debts payable by the Laws of this Province.*

And be it further enacted, That all Receipts so issued by the Treasurer of the Province, shall according to the Tenor thereof, bear an Interest at the Rate of Six Pounds per Centum per Annum, and so in proportion for a greater or lesser Sum, (Provided, that the Person or Persons applying for said Interest shall bring in at one and the same Time, a Sum not Less than Twelve Pounds Ten Shillings) and the Treasurer is hereby directed to give his Receipt or Receipts, for any Sum or Sums (Provided, the same be not less than Five Shillings) at the Option of the

the Person or Persons possessor of the Large Notes herein mentioned, and to date those Receipts to given, on the Day following the Day to which the Interest due on such Notes are paid.

And be it enacted, That all large Notes brought into the Treasury as aforesaid, and for which Receipts shall be given in pursuance of this Act, shall be Cancelled in presence of such Persons as shall be appointed by the GENERAL-ASSEMBLY for that Purpose.

Provided always and be it enacted, That all Receipts to be issued by the Treasurer in Pursuance of this Act, shall be counter'd with the Clerk of the Audits, before they are issued from the Treasury.

Published According to Law the 18th Day of June 1765.



An Act to Establish the Number of Representatives to be Elected in the several Counties and Townships which are now Established in this Province.

Be it enacted by the Governor, Council and Assembly, That the several Counties and Townships herein after Named, shall be Intitled to Elect in Manner and Form as has heretofore been Accustomed in the County and Town of Halifax, the Number of Persons to sit as Representatives in GENERAL-ASSEMBLY as follows, for the County of HALIFAX Four; for the County of ANAPOLIS Two; For the County of LUNenburg Two; for the County of King's COUNTY Two; for the County of CUMBERLAND Two; for the County of QUEENS COUNTY Two; for the County of SUNBURY Two; for the Township of HALIFAX Two; for the Township of TRURO

*Cap. 11.
Repealed by
His Majesty's
In Council
March 1767*

One ; for the Township of ONSLOW One ; for the Township of ANNAPOLIS One ; for the Township of GRANVILLE One ; for the Township of LUNENBURG One ; for the Township of HORTON One ; for the Township of CORNWALLIS One ; for the Township of FALMOUTH One ; for the Township of NEWPORT One ; for the Township of CUMBERLAND One ; for the Township of LIVERPOOL One ; for the Township of SACKVILLE One.

And be it also enacted, That when the Townships of Barrington, Falmouth, Chester, Dublin, Cambridge, St. John's, Windsor, Wilmot on the River Annapolis, Louisbourg and Wilmot Town at Camp, shall consist of Fifty Families Resident, and an Authentick Certificate thereof shall be laid before the Governor, Lieutenant Governor or Commander in Chief of the Province, Each and Every of the said Townships, shall be intitled to Elect in manner as aforesaid, one fit Person as a Representative in GENERAL-ASSEMBLY.

Published according to Law, the 13th Day of June 1765.

An Act for granting to his Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province.

Cap. 12.

WHEREAS the several Duties of Impost and Excise already granted to his Majesty, are found insufficient to discharge the several Sums of Money borrowed in Virtue of the several Acts, made and passed by the GENERAL-ASSEMBLY of this Province: We do therefore Grant unto His most excellent Majesty, His Heirs, and Successors for the Uses aforesaid the several Duties of Excise hereafter mentioned.

Cap. 12
Temp. Jac. II. 1689
18. June 1701
 E it therefore enacted, by the Governor, Council and Assembly, That from and after the Publication hereof, there shall be paid the several Rates and Duties of Excise on all *Wines, Tea, Coffee* and *Playing Cards*, sold within this Province, as follows *viz.*

For every Gallon of *Wine* in Lieu of the former Duty of Impost, *Six Pence per Gallon.*

For every Pound of <i>Tea</i> ,	- - - - -	One Shilling
For every Pound of <i>Coffee</i> ,	- - - - -	Two Pence
For every Pack of <i>Playing Cards</i> ,	- - - - -	One Shilling

And be it enacted, That all Merchants or other Persons, whatsoever having in their Possession any *Wines* for Sale, shall within *Thirty Days* after the Publication of this Act, deliver to the Collector or Receiver, or Collectors or Receivers, of the Excise Duties for the Time being, an Account in Writing and upon Oath, of all such *Wines* remaining in their Possession, and that all Merchants and other Persons whatsoever, buying or receiving into their Possession any *Wines* for Sale, shall within *Twenty Four Hours* after such Purchase or Receipt, deliver to the Collector or Receiver, or Collectors or Receivers aforesaid, an Account upon Oath of all such *Wines* by them so bought or received, specifying the Kinds of Casks with the Marks and Numbers thereof, in which the same is contained, under the Penalty and Forfeiture of *Fifty Pounds* for each and every offence.

And be it enacted, That no Merchant or other Person whatsoever, shall presume to sell, barter, exchange or deliver any *Wine*, other than to such Persons or for such Quantities or shall be expressed in a Permit to be granted by the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, in the manner herein after mention'd, under the Penalty and Forfeiture of *Fifty Pounds* for each and every offence; and the said Merchant or other Person shall render a just account upon Oath of the disposal of all such *Wines*, now in their Possession, or that shall hereafter be received by any of them, whenever thereunto required, and shall at the end of each *Quarter* balance and settle

settle their Stock Accounts with the said Collector or Receiver, or Collectors or Receivers aforesaid, at their Office.

And be it further enacted, That the public Sworn Gaugers, shall have power to Gauge the whole of the Stock of Wines in the Cellars or Storehouses of all Persons entering such Stock, previous to the ballancing and settling the said Stock Accounts at the end of each Quarter, and the Certificate of the said Gaugers of the Quantity in Store unsold, with the Permits that have been filed as herein directed, shall serve as Vouchers for the settlement of all such Stock Accounts; and all Merchants or other Persons entering Stock as aforesaid, shall account with and pay to the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, the Duty of Excise imposed by this Act for whatever Quantity of Wine shall be found deficient at the time of making such settlement; and that under the Penalty of Ten Pounds for each and every offence.

And be it further enacted, That the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, shall grant Permits gratis, to all Retailers and others for the several Quantities of such Wines, as they shall from Time to Time purchase from the Merchant or other Person whatsoever, and shall deliver a Duplicate of such Permit, one to remain in the Hands of the Buyer, and the other to be delivered to the Seller, at the Time of delivery of such Wines.

And be it also further enacted, That the Collector or Receiver or Collectors or Receivers aforesaid, is and are hereby impowered and directed, to take and receive from the Purchaser or Purchasers of such Wines the Duty of Excise at and after the rate afore-mention'd, for the number of Gallons to be express'd in the said Permit and Duplicate, before the Delivery of the same: *Provided* the Amount of the said Duty does not exceed Five Pounds, but if the same shall exceed Five Pounds, the Collector or Receiver, or Collectors or Receivers, is and are hereby Authorized on Sufficient Security being given, to give Credit for Payment thereof within the Term of Three Months.

And

And be it further enacted, That all *Wines* which shall be found in the Custody of any Merchant or Retailer without such Permit as aforesaid, and which shall not have Paid or Secured to be Paid the Duty of Excise imposed by this Act (except the Stock in the Custody of the Merchant or other Person, and which shall have been reported by the Account herein-before directed to be given or delivered to the Collector or Receiver, or Collectors or Receivers aforesaid) shall be Seiz'd and Forfeited, and the Person or Persons in whose Custody the same shall be found, shall Forfeit and Pay the Sum of *Ten Pounds* for every such offence.

And be it also further enacted, That the Merchant or such other Person whatsoever, shall preserve upon File the Duplicates of all such Permits for the inspection of the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, whenever thereto required, under the Penalty and Forfeiture of *Ten Pounds* for each and every offence, and the Quantity Contained in said Permits shall, as far as they go, be sufficient to discharge him or them of so much Stock, as he or they shall have so Bought or Received as aforesaid.

And be it further enacted, That the said Collector or Receiver, or Collectors or Receivers, shall make an Allowance of *Five per Cent* for Wastage and Leakage, and if through Accident any Part of the Stock of *Wines*, in the Hands of any Merchant or other Person, shall by Leakage, Decay or otherwise be lost, the said Collector or Receiver, or Collectors or Receivers, shall on due proof of the same, on Oath within *One Month* after such Leakage, Decay or Loss, Credit the Stock of such Merchant or other Person for the Quantity so lost, or rendered useless.

And be it also enacted, That in Case of re-shipping and Exportation out of the Province, of any part of such *Wines, Tea, Coffee, or Cards*, the Collector or Receiver, or Collectors or Receivers aforesaid, shall Credit the Stock on Hand of the Merchant or other Person for what shall *Bona fide* have been so Exported upon the said Merchant or other Persons, producing a Certificate within *Eighteen Months* after the Time

Time of such Exportation (the Danger of the Seas and Enemies excepted) from the principal Officer of his Majesty's Customs, or Commanding Officer for the Time being, of the Port to which the same shall be carried, or its being there duly landed; and in Case such *Wines, Tea, Coffee or Cards*, shall have duly Paid or secured to be Paid the Duty prescribed by this Act, such Merchant or other Person shall produce a Certificate from the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, that the Duty thereon has been duly Paid or secured to be Paid before such Exportation, upon which the same shall be repaid, or the Bond given therefor discharged.

And for the preventing Frauds therein, the following Oath shall be taken by every such Exporter of any *Wines, Tea, Coffee, or Cards*, which Oath the Collector or Receiver, or Collectors or Receivers, or either of them, are hereby Authorized to Administer.

“ *YOU A. B. Do swear that the Quantity of Wine, Tea, Coffee, or Cards, by you shipp'd for Exportation on Board the Master bound for was really and Bona fide purchased of (or) imported in the , and that the same is not intended to be fraudulently reloaded into any Port or Place in this Province.*”

And be it enacted, That if any *Wines*, shall be fraudulently reloaded into any Port or Place of this Province, after shipp'd for Exportation, the same shall be forfeited, together with the Vessel out of which the said *Wines, Tea, Coffee, or Cards*, shall have been so fraudulently reloaded.

And be it further enacted, That from and after the Publication hereof, all Persons who shall sell any *Wines, Tea, Coffee or playing Cards*, directly or indirectly, by themselves, or any other Person or Persons acting under them, or by their Order, shall and are hereby required to enter their Names and Places of Abode, with the Collector or Receiver, or Collectors or Receivers of the Duties of Excise for the Time being

being, or shall keep or any Person Order from upon Oath Receivers nister in th

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being, or either of them, within *Seven Days* after such Publication, and shall keep an Account of all *Tea, Coffee, or Cards* sold by him or them, or any Person or Persons acting under him or them, or by his or their Order from the Publication hereof; which Account they shall render in upon Oath, which Oath the said Collector or Receiver, or Collectors or Receivers aforesaid, and each of them are hereby Authorized to Administer in the following Words,

“ *YOU A. B. do Swear that the Account now delivered in by you, contains a just and True Account of all the Tea, Coffee, and Playing Cards that have been sold by you, or any Person or Persons under you, or acting for you, or by your Orders, between the* *Day of*
and the *Day of*
*to the best of your Knowledge and Remembrance.** ”

So Help you G O D.

And shall at the End of every *Three Months* pay to the Collector or Receiver, or Collectors or Receivers aforesaid, the Duties of Excise imposed by this Act, on all *Tea, Coffee and Playing Cards*, so sold by him or them, or by any other Person or Persons acting under them, or by their Order as aforesaid, within such Time respectively

Provided nevertheless, That it shall and may be lawful for any Person or Persons to sell or dispose of by Wholesale, any Tea, in Chests, or otherwise not less in Quantity than Fifty Pounds, Weight or any Coffee, in Quantity not less than Fifty Pounds Weight, and also to sell and dispose of by Wholesale, any Playing Cards to any Person or Persons, in any Quantity not less than One Grace or Twelve Dozen Packs, without being liable to pay the aforesaid Duties of Excise; but shall within Forty Eight Hours after the Sale and Delivery thereof, render an Account to the Collector or Receiver, or Collectors or Receivers aforesaid, of the Person to whom the same shall be sold or disposed of, under the Penalty of Ten Pounds

for

for every Neglect thereof, to be sued for and recover'd, as is herein after prescribed.

And be it also further enacted, That if any Person or Persons shall from and after the Publication of this Act, presume directly or indirectly by themselves, or any Person acting under them, or by their Order, to sell any *Tea, Coffee or Playing Cards*, by any less Quantity than is herein before prescribed, without first making Entry of their Names and Places of Abode, as by this Act is directed, He, She, or they shall, for every such Offence on due Conviction thereof, by the Oath of one Credible Witness before any one of his Majesty's Justices of the Peace, forfeit and Pay the Sum of *Ten Pounds*, one Half to be Paid to the Informer, and the other Half to be to His Majesty for the uses mentioned in this Act, which Fine shall be levied by Warrant of Distress and Sale of the Offenders Goods and Chattels, from under the Hand and Seal of the Justice before whom such Conviction shall be made.

Provided always and it is the True intent and meaning of this Act, That if any Person who shall have enter'd their Names and Places of Abode as aforesaid, to sell any *Tea, Coffee, and playing Cards*, shall Purchase either of the said Commodities in a less Quantity than is prescribed by this Act, from Persons whose Names are enter'd to sell the same, and shall within *Ten Days* after such Purchase, produce to the Collector or Receiver, or Collectors or Receivers aforesaid, a Certificate from the Person from whom they Purchas'd the same, such Purchaser shall not be held to pay the Duties on any Quantity so Purchas'd.

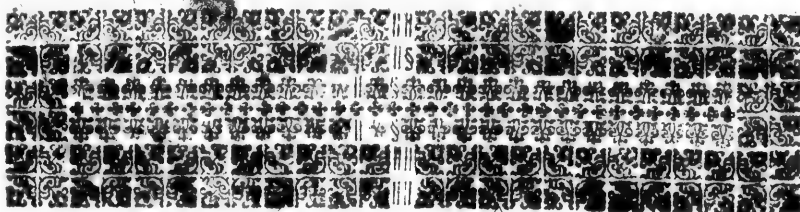
And be it enacted, That the Collector or Receiver, or Collectors or Receivers of the Duties for the Time being, shall render a just Account and pay into the Hands of the Treasurer of the Province, all such Monies by him or them Receiv'd in Pursuance of this Act, within *Thirty Days* after the end of each *Quarter*.

And be it further enacted, That all the Penalties and Forfeitures arising or accruing by this Act, shall and may be recover'd by Bill, Plaint or Information, in any of his Majesty's Courts of Record in this Province, and the Money arising from such Penalties and Forfeitures, after deducting the Expences of Prosecution, and all incident Charges, shall be one Half to His Majesty for the Uses and Intents, for which the Duties are granted, and the other Half to him or them, who shall seize or inform, and Sue for the same.

And be it also further enacted, That the Monies arising from the Duties imposed by this Act shall be and are hereby appropriated for the Redemption of the Loan Warrants, and Treasurers Receipts.

And be it further enacted, That the Monies arising by the Operation of this Act, shall be Accounted for unto His Majesty in the Kingdom of Great-Britain and to the Commissioners of His Majesty's Treasury, or High Treasurer for the Time being, and Audited by the Auditor General of His Majesty's Plantations, or his Deputy.

And it is also further enacted, That this Act shall continue and Remain in full Force for and during the Term of *One Year* from and after the Publication thereof, and until the end of the Session of the General-Assembly, then next following.



At the *General-Assembly* of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on Tuesday the 28th Day of *May* 1765, in the *Fifth* Year of His Majesty's Reign, and there continued by several Prorogations, to Tuesday the *Third* Day of *June*, 1766, in the *Sixth* Year of His Majesty's Reign.



An Act for prescribing the Forms of Writs and the Manner of issuing the same.

E it enacted, by the Commander in Chief, the Council and Assembly, That all Processes and Writs for bringing any Suit into any of the Courts of Justice within this Province, shall issue out of the Clerk's Office of the same Court where the Cause is to be tried, under the Seal of the said Court in his Majesty's Name, and be directed to the Provost Marshall or his Deputy, and if such Process

or Writts be against the Provost-Marshal, then it shall be directed to the Coroner of the County, who is hereby empowered to execute the same. And all Writts as well original as judicial issuing out of the Clerk's Office as aforesaid, shall run through the Province, and be executed by the Officer and Officers to whom they shall be directed. *Provided always, That all local Actions or where the Plaintiff and Defendant shall both reside in one County, in that Case the Action shall commence and be tried in the Inferior Court of that County.*

And be it further enacted, That all Processes and Writts, as well original as judicial issuing out of the clerk's Office of the respective Courts, shall bear Teste of the first Justice, and upon any Vacancy by Death or Removal, or other Impediment then of the Justice next named in the Commission for the Time being; and all original Process in the said Courts shall be by Summons or Attachment, or Capias ad respondendum, and shall be made returnable Twelve Days before the Sitting of the said Court, and shall be executed at least Fourteen Days before the Sitting of the said Court, to which the same is returnable, (except such Writts as are served in other Counties, or in any other part of the Province distant from the County wherein the Cause is commenced, which may be returned at any Time during the Sitting of the Court) and that the Forms herein prescribed shall be the Form of the original Summons, Writ of attachment, Capias ad respondendum, Writ of Execution, and Writ of Habere facias Possessionem.

FORM of the SUMMONS.

H. GEORGE the Third, by the Grace of
 GOD, of Great-Britain, France, and Ire-
L. S. land KING, Defender of the Faith, &c.

To the Provost-Marshal or his Deputy, Greeting.

WE command you that you summon A. B. of C. in our County of (Occupation) *if he may be found in your Precinct, to be and appear before our Justices of our Court next to be held at Halifax, (or other County Town,) on the*
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Day of next, then and there to answer the Suit of
C. D. of in the County of to
the Damage of the said C. D. as he says the Sum of
Pounds. Hereof fail not and have you then there this Writt with
your Doings thereon according to Law, upon the Day
of next. Witness Esqr; this Day of
in the Year of Our Reign, Annoque Domini,
Clerk.

FORM of an ATTACHMENT,

Æ GEORGE the Third, by the Grace of
L. S. GOD, of Great-Britain, France, and Ire-
land KING, Defender of the Faith, &c.

To the Provost-Marshal or his Deputy, Greeting.

WE command you to attach the Goods Chattels or Estate of A:
B: of C: within the County of (Occupation)
to the Value of Pounds, and for Want thereof to arrest
the Body of A: B: if he may be found in your Precinct, and him
safe keep, so that he may be had before the Justices of Our
Court next to be held at on the Day of
next, then and there to answer to the Suit of C: D: of
to the Damage of the said C: D: as he says, the Sum of
Pounds, and have you there this Writ with your Doings thereon
according to Law, upon the said Day of next.
Witness Esqr; this Day of
in the Year of our Reign, Annoque Domini.
Clerk.

FORM of the WRIT of Capias ad responden- dum empowering the Sheriff to arrest.

Æ GEORGE the Third, by the Grace of
L. S. GOD, of Great Britain, France, and Ire-
land KING, Defender of the Faith, and so
forth.

To the Provost Marshall or his Deputy, Greeting. WE





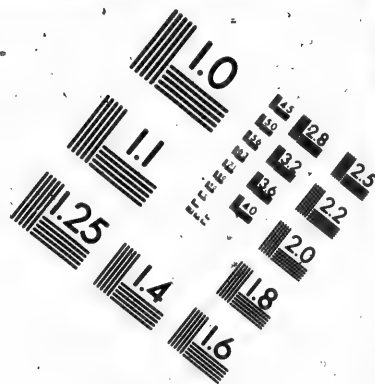
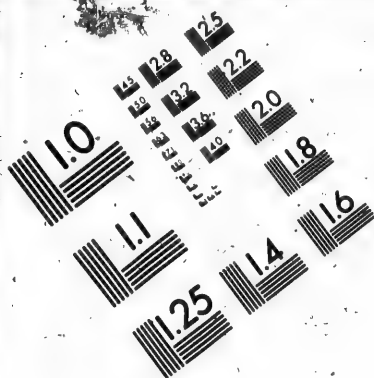
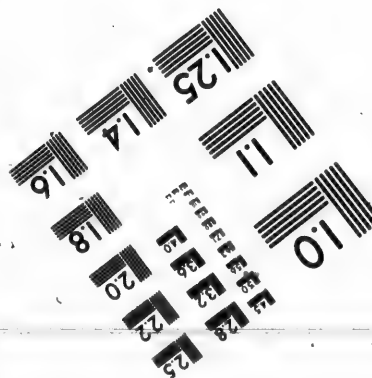
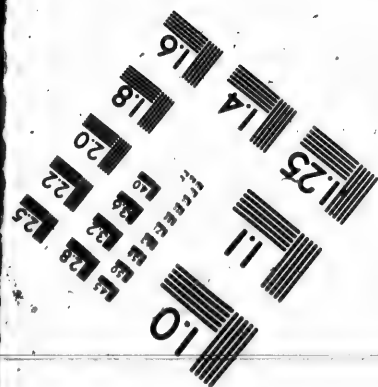
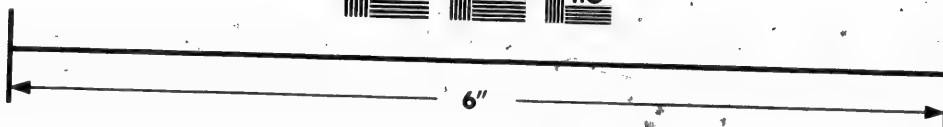
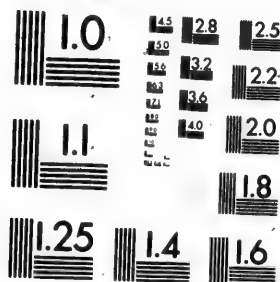


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“ *WE* command you, that you take A : B: of ^{Supream} if he
 “ may be found in your precinct, and safely keep him so
 “ that you may have him before us in our ^{Inferior}
 “ Court on the Day of to answer
 “ to C: D: of of a Plea, that whereas the said A: on
 “ the Day of (as in the Declaration) did
 “ assume, &c. To the Damage of Pounds
 “ as is said, and have you then this Writ. Witness, &c.

And be it further enacted, That before such Process shall be served, the Plaintiff or his Attorney shall indorse his Name thereon, and annex to such Process a Copy of his Declaration, with which the Defendant shall be served, as also a Copy of the original Process at least *Fourteen* Days before the Sitting of the Court, or left at the Defendant's House or last Place of abode, which shall be judged a sufficient Service; and that all Goods, Chattels or Estate attached by the Officer, shall remain under such Attachment for the Space of *Thirty* Days after Judgement given, that Execution may be thereon levied.

Provided always, That in all Cases where it may be necessary to set forth several Counts in a Declaration, that then it shall and may be lawful for the Plaintiff to file his Declaration with the Clerk of the Court, and to cause the Defendant to be served with a copy of the same at least *Four* Days before the Sitting of the Court, at the Expence of the Plaintiff.

Provided nevertheless, That the Sheriff or Officer serving such Attachment shall make an Account in Writing of the several Articles of Goods and Chattels so attached, and shall permit the same to remain on the Premises for the Use of such Party as shall appear to be intitled to the same upon the Event of the Cause, and if the Person so attached shall alien the same in the mean Time, such Alienation shall be void, and such Person shall be liable to the Penalty of *Fifty Pounds*, to be recovered by Action of Debt or Information in any Court of Record, the one Moiety to be paid to the Prosecutor, the other Moiety to his Majesty for the Use of this Government.

FORM

FORM of EXECUTION,

H. GEORGE the Third, by the Grace of
GOD, of Great Britain, France, and Ire-
land KING, Defender of the Faith, &c.

To the Provost Marshal or his Deputy, Greeting,

WHEREAS A: B: of within our County of
(Occupation) by the consideration of our Justices of our
Court held at on the Day of last,
recovered Judgement against C: D: of for the Sum of
Pounds, Shillings, and Pence; debt
or damage, and the Sum of Pounds Shillings,
and Pence, Cost of Suit as it appears to us of Record;
whereof Execution remains to be done. We command you therefore
that of the Goods, Chattels, Lands, or Tenements of the said
C: D: within your Precinct, you cause to be paid and satisfied un-
to the said A: B: at the Value thereof in Money, the aforesaid
Sums, being Pounds, Shillings and
pence, and thereof also to satisfy you for your own Fees, and for
Want of Goods, chattels, Lands or Tenements of the said C: D:
to be by him shewn unto you or found within your Precinct to the
Acceptance of the said A: B: to satisfy the Sums aforesaid; We
command you to take the Body of the said C: D: and commit unto
our Gaol in and detain in your Custody within our
said Gaol, until he pays the full Sums abovementioned with your
Fees, or that he be discharged by the said A: B: the Creditor or
otherwise by Order of Law. Hereof fail not and make Return of
this Writ with your Doings thereon into our said Court of
upon the Day of next. Witness
Elqr; at the Day of
in the Year of our Reign, Annoque Domini.

Clerk.

And be it further enacted, That when Goods or
Chattels of any Debtor are taken in Execution, the same shall be
valued and appraised by at least three Appraisers under Oath, and
shall be sold at Public Vendue, Ten Days Notice being first given,
of

of such intended Sale ; and all Lands taken in Execution, shall be valued, levied, extended and Sold according to the Laws of this Province.

FORM of the *Writ of Habere facias Possessionem.*

L. S. **GEORGE** the Third, by the Grace of **GOD**, of Great Britain, France, and Ireland KING, Defender of the Faith, &c.

To the Provoost Marshall or his Deputy, Greeting.

WHEREAS A: B: of before our Justices
 " of our Court of holden for
 " or within our County of aforesaid, at
 " upon the Day of by the Consideration
 " of our said Court, recovered Judgment for his Tenement and Possession of and in a certain Messuage or Tenement with the Appurtenances, or Acres of Land, &c. lying and being
 " in the Town of against E: F: of who had unjustly withheld, put out or amoved the said A: B: from his Possession thereof, and also at the said Court recovered Judgment for Pounds Shillings, and Pence, for Costs and Damages which he sustained by Reason of the same, as to us hath been made to appear of Record. We command you therefore, that without Delay you cause the said A: B: to have Possession of and in the said Messuage or Tenement with the Appurtenances thereof, or said Acres of Land &c. We also Command you that of the Goods, Chattles, or Lands or Tenements of the said E: F: within your Precinct, at the value thereof in Money, you cause the said A: B: to be paid and satisfied the aforesaid sum of Pounds Shillings and Pence, which to the said A: B: was adjudged for his Costs and Damages, with Two Shillings more for this Writ, and thereof also to satisfy yourself for your own Fees, and for want of such Goods, Chattels, Lands

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the same be done at least *Seven Days* before the Sitting of the *Court*, and the said *Court* is hereby impowered to proceed on Issue joined to inquire into the Merits of both Accounts, before one and the same Jury, and on the Verdict of the Jury to award Costs as they shall find, whether for the Plaintiff or Defendant. And where the Action shall be commenced on any *Bond, Bill, Note or Agreement in Writing*, the Defendant may in like Manner file his Receipt or Discharge for part or the Whole, according as he hath made Payment. *Provided*, such *Receipt or Discharge* be in Writing, signed by the Plaintiff or his Attorney, lawfully impowered to receive the same, and and the Court is hereby impowered to proceed to examine in to the Merits of the same, in the same manner as in Book Accounts, between the Plaintiff and Defendant, and Equitably to reduce all such Bonds, Notes, Bills, and Writings Obligatory to the just Debt with Interest, Damages and Cost, according to the Nature of such Writing, Deed or Instrument, and the Jury are hereby impowered to give their Verdict accordingly.

And be it further enacted, That this Act shall Continue and be in Force for the Term of *Two Years* from the publication hereof, and until the End of the Session of the *General-Assembly*, then next following.

Published According to Law, the 5th Day of July 1766.



An Act Concerning Bail.

E it enacted, by the Commander in Chief, the Council and Assembly, That in all Causes wherein a Creditor shall not proceed by Attachment, but by Arrest of the Body of the Debtor, the Debtor or his Attorney may file Common Bail for the appearance

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pearance of such Debtor, where the Demand shall be under the Sum of *Ten Pounds*, and where the Sum in Demand shall exceed the said Sum of *Ten Pounds*, That no Person in this Province shall be Imprisoned or held to Bail, unless the Plaintiff in such Action shall make and Subscribe an *Affidavit* in Writing, before a Judge of the Court from whence the Writ shall Issue that the Defendant is justly indebted to the Plaintiff in the Sum of *Ten Pounds* or upwards, which *Affidavit* shall be filed in the Office of the Clerk of the Court from whence the Writ shall Issue, and the Sum specified in such *Affidavit* shall be indors'd on the Back of the said Writ, in the Form following. By Oath for £ , for which Sum so indors'd, the Provost-Marshal or his Deputy, shall take Bail and for no more.

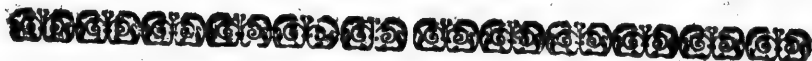
And be it further enacted, That if such Action shall be brought by any Agent, Factor or Attorney, in the Name of his Principal if absent, upon producing an *Affidavit* of the Debt of his Principal duly authenticated according to the *Laws of England* or the Usage and practice of the Plantations in such Cases, or if such Principal be in any part of the Province remote from the Court, upon producing an *Affidavit* taken as aforelaid before a Justice of the Peace, and upon the said *Affidavits* being respectively filed as aforelaid; then the said Judge shall indorse the Sum so Sworn to; and Bail shall be requir'd accordingly.

And be it further enacted, That when any Person or Persons shall be arrested by Virtue of any Writ or Original Process, the Provost-Marshal or his Deputy shall be obliged and are hereby respectively required, upon sufficient Bail being offered to let such Defendant or Defendants go at large, upon his or their first executing a Bond with two Sufficient Sureties to the said Provost-Marshal, with a Condition thereunderwritten for the personal appearance only of the Defendant on the first day of the Court, to which such Writ is returnable, and if such Defendant shall not appear accordingly or give in sufficient Bail to abide the final event of the Suit, Judgment shall be entered against the Defendant by Default, and the Provost-Marshal shall then and there in Court, upon the request of the Plaintiff or his Attorney, assign the Bail Bond, by indorsing his Name thereon, for the Benefit of the Plaintiff, to be in

in Suit or otherwise recover the Penalty thereof, which assignment shall not debar the Plaintiff from proceeding to final Judgment and Execution, the same Court against the Defendant or Defendants in the said Action as in Cases wherein Default is made, but whenever it shall happen that the Defendant or Defendants in the said Action, shall appear according to the Tenor of the Condition of the Bond, and there abide by the Order of the Court, or give Bail to the Satisfaction of the Plaintiff and Approbation of the Court to abide by the final Issue and Determination of the Suit, or if the Defendant from some impediment, shall not appear, but nevertheless two sufficient Persons to be approved of by the Plaintiff and Court, shall offer to become and give Bail in manner aforesaid in such Case the Bail for appearance only shall be Discharg'd, and such Defendant or Defendants shall be intitled to all the priviledges of Law, and in no other Case whatsoever unless Consented to and agreed upon in open Court between the Plaintiff and Defendant or their Attornies in their behalf.

And be it further enacted, That this act shall continue and be in Force for the Term of Two Years from the publication hereof, and untill the end of the Session of the General-Assembly then next following.

Publis'd According to Law, the 5th Day of July 1766.



An

An Act for the Establishment of Fees, as regulated by the Governor and Council, at the Request of the House of Assembly.

Be it enacted, by the Commander in Chief, the Council and Assembly, That the establishment of the Fees belonging to the several Offices in this Province, be as followeth,

Justices of Peace out of Court,

<i>For every Writ or Summons, each Justice,</i>	{ two shillings and six Pence.
<i>Entering an action,</i>	one shilling.
<i>Execution</i>	{ one shilling and four Pence.
<i>Sending up Papers to the Inferior Court,</i>	one shilling.
<i>Subpœna for each Witness,</i>	six pence.
<i>Every Recognizance, each Person</i>	one shilling.
<i>Taking of Affidavits, each Person</i>	one shilling.
<i>Acknowledging an Instrument or Deed,</i>	one shilling.
<i>A Warrant in Trespass and Assault and Battery,</i>	one shilling.
<i>Every Examination in assault and Battery,</i>	{ two shillings & six pence.

Clerk of the Peace.

<i>Drawing an Indictment if found</i>	{ two shillings and six pence.
<i>Every Tryal and Judgment</i>	five shillings.
<i>Every Submission</i>	two shillings and six pence.
<i>Concordatum Fee</i>	one shilling and six pence.
<i>Every Petition and Precedings thereon,</i>	two shillings and six pence.
<i>Every Cause continued by Traverse } or otherwise</i>	one shilling.

every

Every Presentment proceeded on, to	three shillings and four pence.
be paid by the Delinquent,	
Certificate of administering the State Oaths,	one shilling.
Warrant from the Court,	one shilling,
Every Recognizance each Person	one shilling,
Discharging a Recognizance,	one shilling,

Inferior Court of Common Pleas,

Judges Fees.

Entry of every Action if for £ 10 or upwards,	ten shillings,
If above £ 3, and under £ 10,	four shillings,
Taxing Bill of Costs,	two shillings,
Taking a Recognizance,	one shilling,
Every Tryal	three shillings and four pence.
Every Judgment,	three shillings and four pence.
Every Writ issued,	two shillings and six pence.

Clerks Fees in Causes for Ten Pounds or upwards.

Every Writ Signed and Sealed,	one shilling,
Affidavit for Bail if drawn by him,	one shilling
Entry of every Cause, Declaration,	} three shillings,
Plea, &c.	
Entering up Judgment and where a	} three shillings & four pence.
Jury assesses Damages,	
Ditto in defaults,	two shillings,
Every Execution,	one shilling and four pence.
Subpœna for each Person,	six pence.
Advertising day of making up	} three pence,
Judgment each Cause,	
Continuing a Cause to another Court,	one shilling,
Copies of all papers, every Hundred	} one shilling,
Words,	
Taking special Bail at Bar each person,	one shilling,
Receiving Returns of Execution, and filing,	six pence.
Searching the Records,	one shilling.
Certifying a Judgment under the Seal	} two shillings and six pence.
of the Court, if short	
If above 200 Words the same as for	} copying, with one Shilling for the
Seal.	

For

<i>For every Commitment from the Court for Contempt, or otherwise</i>	} one shilling.
<i>For every Warrant to levy fines, to be levied with the fine,</i>	} one shilling,
<i>Minuting a motion,</i>	one shilling,
<i>Drawing and taking Recognizance each Person,</i>	one shilling,
<i>For all Monies tendered in Court per Pound,</i>	six pence
<i>Entering a Bond of Arbitration and Award and Entry of Judgment thereupon, and for Examining Costs,</i>	} two shillings and six Pence.
<i>Every Writ of Habere facias Possessionem,</i>	two shillings,
<i>For Taxing Costs, each Cause,</i>	one shilling,
<i>His Fees in Summary Causes not tried by a Jury, for all Fees,</i>	} four shillings,

Clerks Fees in the Supreme Court.

<i>For every Writ of Error and Entry thereof,</i>	} six shillings and eight pence.
<i>Judgment thereon and Recording,</i>	} thirteen shillings & four pence.
<i>A Writ of Execution,</i>	} two shillings and six pence.
<i>Every Subpœna,</i>	one shilling,

To have the same Fees as the Clerk of the Peace in Criminal Causes; and also in all Causes upwards of Ten Pounds on Original Process in the Supreme Court, to have the same Fees as the Clerk of the Inferior Court.

Attornies Fees.

<i>In all Causes for Ten Pounds, or upwards Filling every Writ of Attachment, or Summons, and Copy,</i>	} five shillings,
<i>Drawing Affidavit and filing,</i>	} one shilling and six pence.
<i>Drawing Declaration, and filing,</i>	} two shilling and six pence.

Special Declarations that are of Necessity long from the nature of the Case, to be Taxed by the discretion of the Court.

For

Attending the Court on tryal and arguing the Cause,	five shillings,
On a Default,	two shillings and six pence.
Special Pleas in Abatement, Bar, Demurer,	} two shillings,
Replication, Rejoinder, each,	
Entering an Appearance,	one shilling,
Plea to the Issue,	one shilling,
Warrant of Attorney,	one shilling,
In summary Causes not tried by a Jury, for all Fees,	eight shillings
In Real Actions in Ejectment or scire facias,	
Filling the Writ or Summons, Declaration and Copy,	} six shilling & eight pence.
Notice to the Tenant in Possession,	
Preparing the Rule &c.	three shillings and four pence.
Entering a Cause on Bonds of Arbitration and Awards,	} two shillings & six pence.
Notice to the Defendant or Defendants each,	
In the Supream Court,	
Pleading a Cause of Tried,	ten shillings,
if not	five shillings,
Every Writ of Error,	three shillings and four pence.
Arguing a point of Law on a Motion,	three shillings and four pence.

Provost-Marshal's Fees.

<i>Service of a Writ or Summons,</i>	<i>two shillings and six pence.</i>
<i>Of an Execution and Return thereon,</i>	<i>five shillings,</i>
<i>For Levying, receiving and paying, all Monies</i>	
<i>on Execution to £ 40,</i>	<i>one shilling in the pound.</i>
<i>From £ 40 to £ 100,</i>	<i>six pence in the pound.</i>
<i>And all above,</i>	<i>four pence in the pound.</i>
<i>For every Tryal</i>	<i>two shillings and six pence.</i>
<i>For every Default, Nonsuit or withdrawn Cause,</i>	<i>} one shilling & six pence.</i>
<i>For every Deed,</i>	
<i>Drawing and Executing a Bail Bond,</i>	<i>five shillings,</i>
<i>Travel,</i>	<i>two shillings and six pence.</i>
<i>To be computed from the Place of Service to the Court where the Writ or Execution shall be returned, no greater travel to be allowed than he can actually make appear</i>	<i>three pence per m^{ile},</i>
<i>For Inventory of all Goods attached, to be Tax'd by the Court,</i>	<i>} one shilling</i>

For every Member return'd for the *House of Assembly*, in lieu of all Expences, to be paid by the Treasurer of the Province, } twenty *shillings*,

Cryers Fees,

Calling a Jury, one *shilling*,
A Verdict, one *shilling*,
A Default or Nonsuit, eight *pence*.

Constables Fees,

Attending the Jury each Cause, one *shilling*,
Serving a Warrant (except in Criminal Cases,) one *shilling*,
Summoning a Jury on an Inquest by Warrant from the Coroner and Attendance per Day, } two *Shillings*.

Travel three Pence per Mile as to the Provost-Marshal.

Petit Jurors Fees in Civil Causes.

Foreman each Cause, one *shilling*,
Each other Juror, ten *pence*,

Plaintiffs Fees,

For his Attendance at Court, for so many Days as he necessarily attended to be judged of by the Court per Day, } two *shillings*,

Witnesses.

Attendance, one *shilling* and six *pence*.
If more than one Day to be paid at the Discretion of the Court.
Travelling Charges, three *pence* per mile,
To be computed from the Place of his Residence, to the Court or Place of Tryal,

Coroner's Fees,

For serving a Writ, Summons, or Execution and travelling Charges, the same as by this Table is allowed to the Provost Marshal.

Taking an Inquest to be paid out of the } Twenty five *Shillings*,
Deceased's Estate.

And if no Estate to be paid by the Treasurer of the Province.

The Foreman of the Jury two *shillings and six pence*,
 Every other Juror, two *shillings*.

To be paid them by the Coroner when received, and in the same Manner as the Coroner.

And if any Person on whose Body a Coroner's Inquest shall sit, have not any Goods or Effects to discharge the Expences of burying, that then the Coroner shall bury them, and charge *Ten Shillings* for the same to be paid by the Treasurer of the Province.

And be it further enacted, That what Officer or Person soever shall ask, demand, and take any greater or other Fees than are before-mentioned for the Matters aforesaid, or any of them, shall be prosecuted as in Cases of Extortion, and being thereof duly convicted in any Court of Record within this Province, shall forfeit and pay the Sum of *Ten Pounds* current Money of this Province, *one Moiety* whereof to be unto our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of the Government of this Province, and the *other Moiety* unto the Informer or him that shall sue for the same in any Court of Record; and shall further pay unto the Party grieved, double the Value of the excessive Fees so taken.

And it is also further enacted, That this Act shall continue and remain in full Force for and during the Term of *Two Years*, from and after the Publication thereof, and until the End of the Session of the *General Assembly* then next following.

Published according to Law, the 5th July 1766.

Printed by J. B. Smith, at the Sign of the Crown, in the City of New York.

Printed by J. B. Smith, at the Sign of the Crown, in the City of New York.



Cap: 1:

An Act For the making perpetual, an Act made and pass'd in the 4th Year of His Majesty's Reign, Intituled, an Act for preventing Nusances, by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish in the Rivers of this Province.

E it enacted by the Commander in Chief the Council and Assembly, That an Act, intituled, *an Act for preventing Nusances, by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish, in the Rivers of this Province*, shall be, and the same is hereby made perpetual, any Proviso or Limitation in the said Act notwithstanding.

Publis'd according to Law, the 5th July 1768.



An Act for continuing an Act made and pass'd in the 4th Year of His Majesty's Reign, intituled an Act for laying a Duty upon Billiard Tables and Shuffle Boards.

E it enacted by the Commander in Chief, Council and Assembly, That an Act, intituled, *an Act for laying a Duty upon Billiard Tables and Shuffle Boards*, shall be, and the same is hereby continued for *three Years*, from and after the Publication of this Act, and from thence to the End of the then next Session of the *General-Assembly*.

Publis'd according to Law, the 5th July 1766.

An

Cap. 2:

An Act in amendment of an Act made and passed in the 33^d Year of his late Majesty's Reign, Intituled, an Act for Establishing a Public Market, at the Market-House in Halifax, and for regulating the same.

Whereas in the Act, intituled, an Act for establishing a publick Market at the Market-House in Halifax, and for Regulating the same, no provision is made in Case of Persons arriving in Halifax from the Country (after the hours of Market are over) with small Quantities of Provisions of a perishable Nature,

E it therefore enacted, by the Commander in Chief, Council and Assembly, That from and after the Publication hereof, it shall and may be lawful, for all and every Person, bringing to *Halifax* from the Country, small Quantities of dead Butchers Meat, Poultry, and Piggs alive or dead, Roots, Greens and other Vegetables, immediately to sell and dispose thereof by Hand, except in Market Hours, to any Person or Persons not being of the Profession of a Butcher or Huckster, any Law, usage or Custom to the contrary notwithstanding.

Publisch'd According to Law, the 5th Day of July 1766.

Cap. 3:

An Act for the more effectual Recovery of his Majesty's Dues in the Islands of Cape Breton, St. John's and Islands adjacent.

Whereas His Majesty by his Royal Proclamation, given at St. James's the Seventh Day of October 1763, in the Third Year of His Reign, has thought fit to annex the Islands of St. John's and Cape-Breton, or Isle Royal, with the lesser Islands adjacent thereto, to

the

the Government of Nova-Scotia; and whereas some Doubts have arisen, whether the Laws of this Province antecedent to the said Proclamation are in Force there, and as sundry Persons have since refus'd to pay his Majesty's Dues: In order therefore to Remedy the same,

It is hereby declared and enacted, by the Commander in Chief, the Council and Assembly, that by Virtue of His Majesty's Royal Proclamation the said Islands of St. John's, Cape Breton or Isle Royal, with the lesser Islands adjacent, were, and shall accordingly be adjudged to have been and be under the Government, Authority, and Jurisdiction of this His Majesty's Province, and that the Inhabitants thereof, were and are subject to all the Laws of the same.

And be it further enacted, That the Collectors of Impost and Excise Duties, or any other Officer appointed to receive his Majesty's Dues there, shall be and are empowered to Prosecute, Sue for, and Recover, in any of His Majesty's Courts of Record, within this Province, any Duties, Customs, Excise, Rents, or Arrears of Duties, Customs, Excise or Rents, or any Debts or other Demands whatsoever due to the Crown, from Persons residing in said Territories, and such Courts in which such Causes are commenced, are hereby authorized to hear and Determine the same, and to Award Execution accordingly.

Published according to Law. the 5th July 1766.



Cap: 4:

An Act For Extending an Act made and passed in the 32d Year of His late Majesty's Reign, Intituled, an Act for preventing Persons leaving the Province without a Pass.

Whereas some Doubts have arisen, whether an Act made and pass'd in the 32d Year of His late Majesty's Reign, intituled, an Act, for preventing persons leaving the Province without a Pass, doth extend throughout this Province. Be it enacted and Resolved, by the Commander in Chief, the Council and Assembly,

ly, That the said Act and every Clause and Article therein contained, be construed to extend and shall extend to the whole Province, and that all Passes shall be given out either by the Secretary of the Province, or by such Persons as he has or shall depute for that purpose.

Publiſh'd According to Law, the 5th Day of July 1766.



Cap. 5.

An Act in further addition to and amendment of an Act made and paſs'd in the 33^d Year of His late Majesty's Reign, Intituled, *an Act Relating to the Affize of Bread, and for aſcertaining the Standard of Weights and Measures.*

Whereas in the Act Relating to the Affize of Bread, and for aſcertaining the Standard of Weights and Measures, the Duty of the Clerks of the Market, is not ſufficiently provided for, or ſet forth, nor any penalty aſſixed to their Neglect of Duty; and whereas alſo great Frauds are daily praetiſed by Bakers and Sellers of Bread: For Remedy whereof,

E it enacted, by the Commander in Chief, Council, and Aſſembly. That the Clerks of the Market in the ſeveral Towns or Townſhips in this Province, where Bread is made and ſold, ſhall viſit the Bake-Houſes, and the Houſes of all and every Perſon or Perſons ſelling Bread, at leaſt one Day in every week during their Continuance in Office as ſuch, and if they neglect to perform their Duty therein, they ſhall upon due Conviction at the General Sessions of the Peace, forfeit the Sum of *Forty Shillings* each, to be recovered on Complaint before the ſaid Sessions; which Fine ſhall be one half to the Poor of the Town or Townſhip to which ſuch Clerk ſhall belong, and the other half to him or them who ſhall complain and proſecute for the ſame.

And be it further enacted, That every Baker or Seller of Bread, ſhall make his Bread, commonly called white Bread,

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white Bread,

of the Flour of Wheat only, and if he shall make use of, or mix with the said Bread, the Flour or Meal of any other kind of Grain, or any other ingredient whatever, or shall make use of, or mix, in the said Bread, any decay'd or Damag'd Flour, and be duly Convicted thereof, he shall pay a Fine, not exceeding *Ten Pounds*, and be further Corporally punished as in Cases of Fraud, at the Discretion of the Court before which he shall be convicted.

Provided always, That nothing in this Act shall extend to hinder any Baker or other Person from making brown Bread, mixed with *Rye* or *Indian Meal* that is not damaged, and sell the same as such:

And it is hereby also enacted, That a Report shall be made once in every Month by the said Clerks of the Market, of their whole proceedings, in virtue of this or the aforesaid Act, to some one of his Majesty's Justices of the Peace within their District, who shall certify at the *General Sessions of the Peace* for the County, whether such Reports have been regularly made, and the said Sessions shall proceed to Fine all such Clerks who have neglected to make Report as aforesaid, in any Sum not exceeding *Forty Shillings* each, for the use of the Poor of the Town or Township to which the said Clerks shall belong.

And be it further enacted, That the *General Sessions of the Peace*, shall Quarterly make an *Affize of Bread*, and cause the same to be affixed up at the *Market place Weekly*, and also give a Copy of the same to the several Clerks of the Market.

Publsh'd According to Law, the 5th Day of July 1766.



Cap. 61

An Act against Foresters and Regrators:

Now *Be it enacted by the Commander in Chief, Council and Assembly*, That from and after the Publication hereof, whatsoever Person or Persons shall buy or cause to be bought

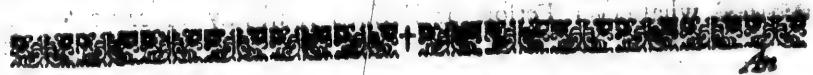
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bought, any Victuals of any kind whatsoever, coming by Land or Water, towards any Market or Fair already established, or that may hereafter be established in this Province, to be sold in the same, (except at the distance of *Ten Miles* at least from the place where such Market or Fair is to be held or kept,) or shall make any Bargain, Contract, or Promise, for the having or buying the same or any part thereof, or shall make any motion by Word, Letter, Message, or otherwise, to any Person or Persons, for the enhancing the price or dearer Selling any kind of Victuals or Provisions for the use of Man, coming by Land or Water, towards any Market or Fair as aforesaid, shall be deem'd and adjudged a Forestaller.

And be it further enacted, That whatsoever Person or Persons shall by any means, regrade, obtain or get into his or their hands or possession, in any Fair or Market, any, Corn, Hay, Fish, Sheep, Lambs, Calves, Beef, Swine, Piggs, Geese, Capons, Hens, Chickens, Pidgeons, Hares, or other dead Victuals whatsoever, that shall be brought to any Fair or Market whatsoever within this Province, to be sold, and do sell the same again, in any Fair or Market, holden or kept in the same Place, within *One Month* after purchasing or receiving the same, shall be accepted, reputed, and taken for a *Regrator* or *Regrators*.

And be it also further enacted, That any Person or Persons who shall be guilty of *Forestalling* or *Regrating*, contrary to the intent and meaning of this Act, and shall be duly convicted in any of His Majesty's Courts of *General Sessions of the Peace* for the County where the Offence is Committed, shall be Fined at the discretion of said Court, in any Sum not exceeding *Ten Pounds*, and for non payment of his or their Fine, to Suffer Imprisonment at the discretion of the Court, not exceeding *Two Months* for each and every offence ; and that one *Moiety* of the said Fine and Forfeiture, to be for the use of the *Poor* of the Town where the Offence has been committed, and the other *Moiety* to him or them who shall Sue for the same.

Publis'd according to Law, the 5th July 1766.



Cap. 7.
An Act Concerning Schools and Schoolmasters.

E it enacted, by the Commander in Chief, the Council and Assembly, That no Person hereafter, shall set up or keep a Grammar School within this Province, till he shall have first been examined by the Minister of such Town wherein he proposes to keep such Grammar School, as to the Qualifications for the Instruction of Children in such Schools, and where no Minister shall be settled, such Examination shall be made by two Justices of the Peace for the County, together with a Certificate from at least six of the Inhabitants of such Town of the morals and good Conduct of such Schoolmaster which shall be transmitted to the Governor, Lieutenant Governor or Commander in Chief for the Time being, for obtaining a Licence as by His Majesty's Royal Instruction is directed, and that no Person shall set up or keep a School, for the Instruction of Youth, in Reading, Writing, or Arithmetic, within the Township of Halifax, without such examination, Certificate and Licence, or in any other manner then is before directed, and every such Schoolmaster who shall set up or keep a School contrary to this Act, shall for each offence, Forfeit the Sum of Three Pounds. upon Conviction, before two Justices of the Peace of the County where such Person shall so Offend, to be levied by Warrant of Distress, and applied for the use of the School of the Town where such Offence shall be committed.

Provided that no Person shall presume to enter upon the said Office of Schoolmaster, untill he shall have taken the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy and Subscribed the Declaration openly in some one of his Majesty's Courts, or as shall be directed by the Governor, Lieutenant Governor, or Commander in Chief for the Time being, and if any Popish Recusant Papist or Person professing the Popish Religion, shall be so presumptuous as to set up any School within this Province and be detected therein, such Offender shall for every such Offence, suffer Three Months Imprisonment, without Bail or Mainprize, and shall pay a Fine to the King of Ten Pounds; and if any one shall refuse

refuse to take the said Oaths, and Subscribe the Declaration, he shall be deem'd and taken to be a Popish Recusant for the purposes so before mentioned,

And Whereas His Majesty has been pleased to order that *Four Hundred Acres* of Land in each Township, shall be granted to and for the use and Support of *Schools*, *Be it enacted*, that the said Quantity of Lands shall be vested in Trustees for the said purpose, and such Trustees shall be, and are hereby enabled to sue and defend for, and on behalf of such *Schools*, and to improve all such Lands as shall be most for the Advantage and Benefit thereof.

Publis'd According to Law, the 5th Day of July 1766.



An

At the General ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on *Tuesday* the Twenty Eighth Day of *May*, 1765, in the Fifth Year of His Majesty's Reign, and there continued by several Prorogations, to *Thursday* the 23d Day of *October*, 1766, in the Sixth Year of His Majesty's Reign.

An ACT to prevent the Cutting or Breaking down the Bank of any River, Seabank, or Dykes.

WHEREAS there are large Tracts of Marsh Lands within this Province dyked in, great Part of which are, at this Time, under actual Improvement, from which great Advantages must arise, and as the dyking or draining those Lands are attended with a very great Expence, which Expence and Advantages may be lost, to the Ruin of many industrious Persons, by wicked and evil minded Persons cutting or destroying said Dykes, or the Piles or Picketts, which are drove into the said Marshes, their Banks or Dykes; For REMEDY WHEREOF, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That if any Person or Persons from and after the Publication of this Act, shall unlawfully and maliciously break down, or cut down the Bank or Banks of any River or any Seabank or Dykes, whereby any Lands shall be overflowed or damaged, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, unlawfully cut off, draw up or remove and carry away, any Piles or other Materials, which are, or at any Time hereafter shall be, driven into the Ground and used for the securing any Marsh Lands, or Sea Walls, Banks, or Dykes, in order to prevent the Lands lying within the same from being overflowed and damaged, it shall and may be lawful to and for any Two or more of His Majesty's Justices of the Peace, residing near the Place where the said Offence or Offences shall be committed, and such Justices are hereby respectively authorised and required, upon Complaint or Information upon Oath of such Offence, to sum-

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mon the Party or Parties so complained of, or to issue their War-
rant or Warrants to apprehend and bring before them, the Person
or Persons so accused, complained of, or suspected, and upon his,
her, or their Appearance, or neglect to appear, to proceed to examine
the Matter of Fact with which he, she, or they, are charged, and upon
due Proof thereof made, either by Confession of the Party or Parties
so accused, or upon the Oath or Oaths of One or more credible
Witness or Witnesses, to determine the same, and to convict the
Offender or Offenders; and every Person offending herein, and
being thereof convicted as aforesaid, shall forfeit and pay the Sum
of *Twenty Pounds*; one Moiety thereof to the Informer, and the
other Moiety to the Overseers of, and for the Use of the Poor of
the Township or Place wherein such Offence shall be committed;
the same to be levied by Distress and Sale of the Offender's Goods
and Chattels, together with the Charges of such Distress and Sale,
rendering the Overplus (if any be) to the Owner or Owners there-
of; and for Want of sufficient Distress the said Justices are hereby
required to commit the Person or Persons convicted as aforesaid,
to the House of Correction or Common Gaol of the County, Town
or Place, where the Offence shall be committed, there to remain
and be kept at hard Labour for the Space of *Six Months*,

Published according to Law the 22d November, 1766.

An A C T in Addition to and Amendment of an A C T
made and passed in the Second Year of His present
Majesty's Reign, intituled, *An Act for regulating the
Exportation of Fish, and the Assize of Barrels, Staves,
Hoops, Boards, and all other Kinds of Lumber; and
for appointing Officers to survey the same.*

W HEREAS the Laws and Regulations made and provided,
respecting the packing of Mackarel, and all other Kinds of
pickled Fish, within this Province, do not appear to fully
answer the Purposes for which they were intended; Be it enacted by the
Lieutenant Governor, Council and Assembly, That from and after the
First Day of January, which will be in the Year of our Lord One
Thousand Seven Hundred and Sixty Seven, all and every Person or
Persons packing Mackarel or any other Kind of pickled Fish with-
in this Province for Sale, or Exportation, shall brand each Cask
and Barrel by him or them so packed, on the Head of such Cask
or Barrel, with the initial Letter or Letters of his or their Christian
Name, and his or their Surname at Length, before he or they shall
ship or expose the same to Sale, and every Person or Persons, who
shall presume to ship for Exportation or expose to Sale any Mac-
karel or other Kind of pickled Fish, before the same be branded

as aforesaid, shall, on due Conviction thereof, by the Oath of a credible Witness, before any of His Majesty's Justices of the Peace, forfeit and pay the Sum of *Ten Shillings* for each and every Cask or Barrel so exported or exposed to Sale, one Moiety thereof to the Informer, and the other Moiety to the Overseers of, and for the Use of the Poor of the Township, Town or Place, wherein such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with the Charges of such Distress and Sale, rendering the Overplus (if any be) to the Owner or Owners thereof.

Published according to Law, the 22d November, 1766.

An Act for empowering the Justices of the Peace for the County of *Queen's County* to hold Courts of Special Sessions of the Peace, at *Yarmouth* and *Barrington*, in said County, for the said Townships of *Yarmouth* and *Barrington*.

WHEREAS for Want of Roads, and the Distance between the Township of *Liverpool* in the County of *Queen's County*, and the Townships of *Yarmouth* and *Barrington*, makes the Attendance of Persons residing in the said Townships of *Yarmouth* and *Barrington*, at the General Sessions of the Peace held for the said County of *Queen's County*, at *Liverpool*, very inconvenient; FOR REMEDY WHEREOF, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That Courts of General Sessions of the Peace, shall and may be held and kept within the Township of *Yarmouth* in *Queen's County*, on the First Tuesday of *April*, and within the Township of *Barrington* in the said County, on the First Tuesday of *November*, in every Year; and any Three or more of the Justices for the County of *Queen's County*, shall and may hold the said Courts, and such Courts shall have, hold, use, exercise, and enjoy, all and singular, the Powers which are by Law already given and granted unto Courts of General Sessions of the Peace, so far as relates to all such Matters and Things as shall be cognizable by such Courts within the said Townships of *Yarmouth* and *Barrington*.

Published according to Law the 22d November, 1766.

An Act for altering, amending, and prolonging an Act made in the Fifth Year of the Reign of His present Majesty, intituled, An Act for Granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards Sold within this Province.

 *E it Enacted by the Lieutenant Governor, Council and Assembly:* That all Wines, Tea, Coffee, and Playing Cards, sold or by any ways or Means brought into this Province, shall pay the following Rates and Duties of Excise, viz. Wines per Gallon, Six Pence; Tea per Pound, One Shilling; Coffee per Pound, Two Pence; Cards per Pack, One Shilling.

And be it further Enacted, That the Collector or Receiver, or Collectors or Receivers of the Duties, or one of them, shall grant Permits *Gratis*, to all Retailers and others, as well for Tea, Coffee, and Playing Cards, as for Wines, for all such Quantities of Tea, Coffee, and Playing Cards, as they shall from Time to Time purchase from any Merchant or other Person, *That is to say*, for Tea and Coffee in any Quantity not less than Fifty Pounds Weight, and for Cards not less than Fifty Packs, and shall deliver a Duplicate of such Permit, One to remain in the Hands of the Buyer, and the other to be delivered to the Seller, at the Time of Delivery of such Tea, Coffee and Playing Cards.

And be it also Enacted, That the Collector or Receiver, or Collectors or Receivers aforesaid, is and are hereby impowered and directed to take and receive from the Purchaser or Purchasers of such Tea and Coffee, and Playing Cards, the Duty of Excise at and after the Rate aforesaid, for the Quantity expressed in said Permit and Duplicate, before the Delivery of the same, without allowing any Credit therefor.

And be it further Enacted, That from and after the Publication hereof, no Deduction or Allowance shall be made for Wastage and Leakage upon any Wines, in the Hands of any Merchant or other Person, but that the Collector or Receiver or Collectors or Receivers aforesaid, are hereby impowered, in Lieu thereof, to give Credit to such Merchant or other Person, for so much only of such Wines, as shall *bona fide* appear to have been wasted or leaked out, to be proved upon Oath at the Quarterly Settlement of Accounts for Duties on such Wines; and no Allowance or Abatement whatever shall be hereafter made on any Wines that shall be exported.

And be it also Enacted, That if any Tea, Coffee, or Cards shall be fraudulently reloaded in any Port or Place of this Province after

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after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Coffee, Tea, and Playing-Cards, shall have been so fraudulently reloaded.

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And be it Enacted, That all and every Person bringing in, or causing to be brought into this Province, any Wines, Tea, Coffee, or Playing Cards, for their own Consumption, shall render a just and full Account of all such Wines, Tea, Coffee, and Playing Cards, to the Collector or Receiver, or Collectors or Receivers aforesaid, within *Twenty Four Hours* after the Arrival of the Vessel wherein such Wines, Tea, Coffee, or Playing Cards, shall be so brought in, and shall pay or secure to be paid the Duties of Excise aforesaid thereon, under the Penalty of forfeiting all such Wines, Tea, Coffee, and Playing Cards, so introduced, in whosesoever Possession the same may be found; and shall also forfeit and pay the Sum of *Twenty Pounds* for every such Offence.

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And be it also Enacted, That all Wines, Tea, Coffee, and Playing Cards, seized for illicit and contraband Trade, which shall be brought into any Port within this Province, upon Condemnation thereof, shall be subject to the Duties of Excise imposed by this Act, and if such Condemnation shall be in the Court of Vice Admiralty, the Marshal of such Court or his Deputy, or any Auctioneer or Vendue Master, shall not deliver any such Wines, Tea, Coffee, and Playing Cards, sold by him or them at Publick Auction, or otherwise, without a Permit from the Collector or Receiver, or Collectors or Receivers of the Duties, and shall render an Account to the Collector or Receiver, or Collectors or Receivers aforesaid (upon Oath) of the Quantity of all such Wines, Tea, Coffee, and Playing Cards, which he or they shall sell at Publick Auction or otherwise, and of the Persons Names to whom the same shall be sold, under the Penalty and Forfeiture of *Two Hundred Pounds* for each and every Offence.

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And be it also further Enacted, That the Act made in the *Fifth Year* of the Reign of His present Majesty, intituled, *An Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, Sold within this Province*, with the Alterations and Amendments thereto made by this Act, shall be and continue, and the same is hereby continued in Force until the *First Day of December, One Thousand Seven Hundred and Sixty Seven*.

Published according to Law the 22d November, 1766.

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An Act in Amendment of an Act made in the Third Year of His present Majesty's Reign, intituled, An Act for altering and amending several Acts of this Province relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors Sold within this Province.

WHEREAS by the Act made in the Third Year of His Majesty's Reign, intituled, an Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province, the Collector or Receiver, or Collectors or Receivers of the Duties, is and are directed to make and allow Five per Cent for Wastage and Leakage on all Rum, and other distilled Spirituous Liquors in the Hands of any Merchant, Distiller, or other Person, which Allowance has been found productive of many Disadvantages to the Revenue of the Province, Be it therefore Enacted by the Lieutenant Governor, Council, and Assembly, That from and after the Publication of this Act, no such Allowance of Five per Cent for Wastage and Leakage, shall be allowed, but in Lieu thereof, if thro' Accident any Part of the Stock of Rum or other distilled Spirituous Liquors, in the Hands of any Merchant, Distiller, or other Person, shall by Leakage or otherwise be lost, the Collector or Receiver, or Collectors or Receivers of the Duties shall, on due Proof of the same on Oath, credit the Stock of such Merchant, Distiller, or other Person, for the Quantity so lost, any Law, Usage, or Custom to the contrary notwithstanding.

And be it further Enacted, That the Collector or Receiver, or Collectors or Receivers of the Duties of Excise granted by the aforesaid Act, and any Persons employed by or under them, shall observe the aforesaid Act, with the Additions and Amendments that have since been made to the same, and also this Act, for their Rule and Guide in receiving the aforesaid Duties, any Law, Usage, or Custom to the contrary notwithstanding.

Published according to Law the 22d November, 1766.

An Act for discontinuing the Bounty on Stone Walls.

WHEREAS the heavy Load of Debt which this Province labours under, renders it unable any longer to pay the Bounty granted on Stone Walls built on the Peninsula of Halifax, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That from and after the First Day of January, One Thousand Seven Hundred and Sixty Eight, all Bounties and Premiums whatsoever, which have

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have heretofore been granted by any Law of this Province on Stone Walls built on the Peninsula of *Halifax*, shall absolutely cease and determine, any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Published according to Law, the 22d November, 1766.

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An Act for continuing an Act, intituled *an Act for reviving an Act made and passed in the 33d Year of His late Majesty's Reign, intituled "An Act for further prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly in the 32d Year of His Majesty's Reign."*

 *HEREAS* the Law hereafter mentioned, hath by Experience been found useful and beneficial, and no Inconvenience having arose therefrom, and that the same is near expiring, Be it therefore Enacted by the Lieutenant Governor, Council, and Assembly, That an Act for reviving an Act made and passed in the Thirty Third Year of His late Majesty's Reign, intituled *An Act for further prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly in the Thirty Second Year of His Majesty's Reign*, which was to continue in Force for Three Years from the Twenty Eighth Day of November, One Thousand Seven Hundred and Sixty Three, and from thence to the End of the Session of the General Assembly then next following, shall be and the same is hereby further continued from the Expiration thereof, until the Twenty Eighth Day of November, One Thousand Seven Hundred and Sixty Nine, and from thence to the End of the then next Session of the General Assembly.

Published according to Law the 22d November, 1766.

An ACT for preventing Frauds in the Revenue.

 *HEREAS* many Persons coming from the neighbouring Colonies as Passengers and Traders, as also the Mariners on board the Trading Vessels, do frequently, without the Knowledge, Privy, or Consent of the respective Masters, put on board such Vessels sundry Quantities of Goods, subject by Law to Duties in this Province, taking out separate Cockets therefor, with Intention to land and conceal the same, without making any Report, or if discovered, to make

Post Entries under several Pretences: And whereas the Officers of the Revenue are put to great Difficulties in bringing such Offenders to speedy Justice, it is frequently happened that the Masters of Vessels and other Evidences for convicting them, are obliged to leave the Province before the Return of the stated Times for holding Courts, For REMEDY whereof, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That from and after the Publication hereof, no Post Entry shall be allowed of any Goods liable to the Payment of Duties, which are not contained in the Manifest entered at the Imposit Office, and sworn to by the Master of the Vessel entering according to Law, but the same shall be seized, forfeited, and applied as other Forfeitures are declared to be by the Laws already made establishing the said Duties.

And be it further Enacted, That upon every Information made to any Two or more of the Judges of the Common Law Courts, the said Judges shall be and are hereby impowered and directed to hold a Special Sessions, and to try and determine the Matters therein contained, and for this Purpose to issue Process to the Provost Marshal, returnable at a short Day, to summon a Special Jury to pass on the Trial, as also to convene the Party complained of before the Court, to join Issue in the said Trial, and to hold him or them to Special Bail to abide by the Judgment and Determination of the said Special Court, which final Judgments and Determinations shall be as good and effectual to all Intents and Purposes, as if the Trials had been prosecuted in any of His Majesty's Courts of Record, at the usual and stated Terms thereof, any Law or Custom to the contrary notwithstanding.

And be it also further Enacted, That in Case it shall happen, that any of the Evidences for supporting any Information that may be brought, are obliged to leave the Province before the Day appointed by the Special Sessions for the Trial of the Cause, that then and in that Case it shall be in the Power of any One of the said Judges, upon Notice given to the adverse Party to be present, to take the Depositions of the said Evidences in Writing, which Depositions, so taken and subscribed by the Judge and Witnesses, shall be admitted as Evidence to the Jury upon the Trial.

Published according to Law the 22d November, 1766.

An Act for granting to His Majesty a Duty of Imposit on Loaf Sugar.



HEREAS the several Acts for laying Duties of Imposit and Excesse on Wines, Beer, Rum, and other distilled Spirituous Liquors, have been found insufficient to answer the Purpose hereby intended, We do hereby Grant unto His Most Excellent Majesty, His Heirs and Successors, for the Uses hereinafter men-

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